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THE STATE OF OHIO.

GENERAL AND LOCAL ACTS

PASSED

AND

JOINT RESOLUTIONS

ADOPTED

BY THE

SEVENTY-FOURTH GENERAL ASSEMBLY,

AT ITS REGULAR SESSION,

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 1, 1900.

VOLUME XCIV.

COLUMBUS, OHIO:
PUBLISHED BY STATE AUTHORITY,
J. L. TRAUGER, STATE PRINTER.
1900.

GENERAL LAWS.

[House Bill No. 1.]

AN ACT

To make sundry appropriations for the General Assembly.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for general assembly.

SECTION 1. That there be and is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropiated, the sum of fifty thousand ($50,000) dollars for salaries and mileage of members, per diem of clerks, sergeant-at-arms and other officers and employes of the general assembly; one thousand ($1,000) dollars for contingent expenses of the house; five hundred ($500) dollars for contingent expenses of the senate, and one thousand ($1,000) dollars for expenses of legislative committees.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed January 3, 1900. 1G.

[House Bill No. 79.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for general assembly.

SECTION 1. That there be and is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of one thousand dollars ($1000) for contingent expenses of the senate.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed January 11, 1900. 2G.

[House Bill No. 95.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for sundry purposes.

SECTION 1. That the following sums, for the purposes hereinafter specified, be and are hereby appropriated out of any money in the treasury to the credit of the general revenue fund, not otherwise appropriated, towit:

Massillon State Hospital, current expense	$12,000.00
Columbus State Hospital, current expense	30,000.00
Soldiers' and Sailors' Orphans' Home, current expense	3,500.00
Salaries foreman and instructors	960.00
Salaries officers, teachers, matrons, expenses board of trustees, board of visitors and visiting county homes	690.00
Boys' Industrial School, current expense	2,350.00
Secretary of State, stationery	3,000.00
Ohio Penitentiary, current expenses	28,000.00
Attorney General, contingent expense	200.00
Fish and game commission	400.00

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed January 25, 1900. 3G.

[Senate Bill No. 72.]

[AN ACT]

Relative to the payment of certain bills incurred for inauguration.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for inaugural expenses.

SECTION 1. That there be and is hereby appropriated from any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated the sum of $1482.09 for the expenses incurred in the inauguration of the governor-elect upon the 8th day of January, 1900, to be paid out upon vouchers by the auditor of state in favor of the following persons and for the following amounts: N. B. Abbott, $2.74; S. N. Field, $305.50; F. F. Bonnett, $90; C. C. Philbrick, $64.15; E. R. Sharp, $87.20; O. M. Evans, $83.23; George D. Freeman, $412.30; Frank I. Brown, $20; William G. Benham, $137.25; L. W. Buckmaster, $97.14; J. S. Abbott & Co. $11.45; T. J. Dundon, $88.83; J. M. & W. Westwater, $15.00; F. W. Atcherson, $18; American

District Telegraph Company, $3.30; S. N. Field, $30; Post-office, $16.00.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 2, 1900. 4G.

[Senate Bill No. 10.]

[AN ACT]

To authorize the election of an additional judge of the court of common pleas in the second subdivision of the fourth judicial district of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Judges and judicial districts: Additional judge in second subdivision, fourth district.

SECTION 1. That for the second subdivision of the fourth judicial district of the state of Ohio, there shall be an additional judge of the court of common pleas, who shall be a resident of said subdivision of said district, composed of the counties of Lorain, Medina and Summit, to be elected by the qualified voters of said counties as herein provided.

First election and term of office.

SECTION 2. The first election of said additional judge shall be held pursuant to the general election laws of the state of Ohio governing the election of judges of the court of common pleas, at the general election for state and county offices, on the first Tuesday after the first Monday of November, A. D. 1900, and the term of office of said judge shall commmence on the second Monday of January, 1901, and shall continue for five years; and his successor shall be elected on the first Tuesday after the first Monday in November, A. D. 1905, and every five years thereafter.

Election of successor.

Notice of election.

SECTION 3. It shall be the duty of each sheriff of each county of said subdivision to give notice by proclamation, as is now provided by law, of the time and place of holding such election, which shall be conducted and the returns thereof made in the same manner as is required by law in cases of the election of judges of the court of common pleas.

Salary and duties of judge.

SECTION 4. Said judge, when elected and qualified, shall receive the same compensation as other judges of said court; and shall, also, in every respect, have the same jurisdiction, possess the same power, discharge the same duties, and incur the same penalties, as are now or may hereafter be conferred or enjoined by the constitution and laws of the state of Ohio upon other judges of said court.

Vacancy.

SECTION 5. If a vacancy occur in the office of said additional judge by death, resignation, or otherwise, such vacancy shall be filled in the manner now provided by law in vacancies in the office of other judges of said court.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed January 31, 1900. 5G.

[House Bill No. 199.]

AN ACT

To make partial appropriations for the last three quarters of the fiscal year ending November 16, 1900, and the first quarter of the fiscal year ending February 15, 1901.

Be it enacted by the General Assembly of the State of Ohio:

Partial appropriations for 1900 and 1901.

SECTION 1. That the following sums, for the purposes hereinafter specified, are appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to-wit:

Adjutant-General's Department.

Salary of adjutant-general	$2,000.00
Salary of assistant adjutant-general	1,500.00
Salary of chief clerk	1,400.00
Salary of five clerks	6,000.00
Salary of superintendent of state arsenal	1,400.00
Salary of stenographer	600.00
Transportation indigent soldiers	100.00
Contingent expenses and inspections	625.00

State House and Grounds.

Salary of superintendent of laborers	$900.00
Salary of engineer	1,000.00
Salary of two firemen	900.00
Salary of visitors' attendant	720.00
Salary of janitor of flag room	720.00
Salary of day policeman	720.00
Salary of night policeman	800.00
Salary of four regular laborers	650.00
Extra labor	500.00
Fuel for state house	300.00
Material and repairs	500.00
Electric light for state house	1,800.00

Agricultural Experiment Station.

Expenses of board of control	$500.00
Bulletin illustration	200.00
General repairs, labor and supplies	1,000.00

Attorney-General.

Salary of attorney-general	$1,500.00	Partial appropriations for 1900 and 1901.
Salary of assistant attorney-general	1,500.00	
Fees on collections	300.00	
Salary of clerk	900.00	
Contingent expenses	600.00	
Assistant counsel	1,000.00	

Auditor of State.

Salary of auditor of state	$3,000.00
Salary of chief clerk	2,400.00
Salary of railroad and bank clerk	1,950.00
Salary of book-keeper	1,950.00
Salary of land clerk	1,500.00
Salary of canal and trust fund clerk	1,400.00
Salary of statistician	1,350.00
Salary of corresponding clerk	800.00
Salary of two excise clerks	2,850.00
Transcribing land records	2,850.00
Contingent expenses	750.00

State Archaeological and Historical Society.

Expenses of society	$1,000.00
Care of Fort Ancient	250.00

State Board of Agriculture.

Encouragement of agriculture	$2,700.00

State Board of Appraisers and Assessors.

Salaries of members	$4,500.00
Contingent expenses	250.00

Board of Arbitration.

For per diem and expenses of members	$1,000.00

Board of State Charities.

Expenses of board	$1,500.00

Board of Health.

Expenses of board	$3,000.00

Board of Pardons.

Salaries of members	$3,000.00
Salary of secretary	300.00
Expenses of board	200.00

Board of Public Works.

Partial appropriations for 1900 and 1901.

Canal repairs and improvements	$15,000.00
Salary of members	2,400.00
Salary of two engineers	3,600.00
Salary of secretary	1,500.00
Salary of clerk	700.00
Traveling expenses of members	450.00
Contingent expenses	125.00

Canal Commission.

Salaries of commissioners	$750.00
Expenses of commission	1,500.00

Dairy and Food Commissioner.

Salary of commissioner	$2,000.00
Salary of two assistant commissioners	2,000.00
Expense of commissioner	300.00
Expenses of two assistant commissioners	400.00
Salary of one clerk	1,200.00
Salary of two clerks	1,440.00
Inspection, analysis and publication	3,000.00
Attorney fees	2,500.00
Contingent expenses	250.00

Fish and Game Commission.

Expenses of commission	$1,500.00
Maintaining pheasantry	1,000.00
Maintaining fish ponds	500.00

Bureau of Labor Statistics.

Salary of commissioner	$2,000.00
Traveling expenses of commissioner	200.00
Salary of chief clerk	1,300.00
Salary of clerk	720.00
Salary of clerk	600.00
Salary of stenographer	720.00
Contingent expenses	2,000.00

Commissioners of Public Printing.

For printing paper	$10,000.00

Commissioner of Common Schools

Salary of commissioner	$2,000.00
Salary of chief clerk	1,750.00
Salary of statistical clerk	1,200.00
Salary of stenographer	600.00
Traveling expenses of commissioner	200.00
Contingent expenses	225.00

Commissioner of Railroads and Telegraphs.

Uses and purposes..... $6,215.00 Partial appropriations for 1900 and 1901.

Provided, however, that said sum shall be deducted from the assessment of railroad companies for 1900 due and payable in the state treasury on or before August 1, 1900, pursuant to "An act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs, and providing means for maintaining police supervision of said roads," passed April 19, 1894, and the auditor of state is hereby authorized and directed to make such deductions.

For the uses and purposes of the commissioner of railroads and telegraph offices, $15-000.00, or so much thereof as may be paid into the state treasury pursuant to an act entitled "An act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs, and providing means for maintaining police supervision of said roads," passed April 19, 1894, and from the moneys herein appropriated the following salaries shall be paid:

Salary of commissioner.....	$3,000.00
Salary of chief clerk.....	2,400.00
Salary of chief inspector....	1,200.00
Salary of statistician.....	1,200.00
Salary of stenographer.....	1,200.00
Salary of deputy inspector....	1,200.00

Executive Department.

Salary of governor.....	$8,000.00
Salary of lieutenant-governor.....	800.00
Salary of private secretary.....	800.00
Salary of executive clerk.....	1,800.00
Salary of commission clerk.....	1,500.00
Salary of corresponding clerk.....	1,500.00
Contingent expenses.....	600.00

Inspector of Mines.

Salary of chief inspector.....	$2,000.00
Salary of seven district inspectors.....	8,400.00
Clerk hire.....	1,050.00
Salary of stenographer.....	600.00
Contingent expenses.....	1,250.00

Inspector of Workshops and Factories.

Salary of chief inspector.....	$2,000.00
Traveling expenses of chief inspector.....	150.00
Salaries of eleven district inspectors.....	11,000.00
Traveling expenses of district inspectors.....	1,375.00
Salary of two bakeshop inspectors.....	2,000.00

Partial appropriations for 1900 and 1901.

Expenses traveling bakeshop inspectors	250.00
Additional salary high explosive inspector	800.00
Clerk hire	4,500.00
Contingent expenses	300.00

Judiciary.

Salaries of judges	$50,000.00

Law Library.

Salary of law librarian	$1,500.00
Salary of assistant law librarian	1,200.00
Contingent expenses	75.00

Prosecution and Transportation of Convicts.

For prosecution and transportation of convicts to Ohio Penitentiary, Reformatory and Boys' Industrial School	$20,000.00

Prosecution Ohio War Claims Against General Government.

Salary of agent	$1,500.00
Expenses of agent	150.00

Secretary of State.

Salary of secretary of state	$2,000.00
Salary of state supervisor of elections	1,000.00
Salary of chief clerk	2,400.00
Salary of statistical clerk	1,500.00
Salary of assistant statistical clerk	1,350.00
Salary of stationery clerk	1,350.00
Salary of proof reading clerk	1,350.00
Salary of corporation clerk	1,350.00
Salary of assistant corporation clerk	1,350.00
Salary of recording clerk	1,350.00
Salary of superintendent of book room	1,000.00
Salary of stenographer	1,250.00
Contingent expenses	400.00
Distribution of books	750.00
Stationery	5,000.00

State Library.

Salary of librarian	$1,500.00
Salary of assistant librarian	1,200.00
Salary of stenographer	720.00
Salary of janitor	900.00
Books and papers	1,250.00
Contingent expenses and extra labor	500.00

Superintendent of Insurance.

Partial appropriations for 1900 and 1901.

Salary of superintendent	$2,000.00
Salary of deputy superintendent	1,800.00
Salary of examining clerk	1,500.00
Salary of book-keeper	1,500.00
Salary of statistical clerk	1,500.00
Salary of corresponding clerk	1,200.00
Salary of license clerk	1,000.00
Salary of mailing clerk	1,000.00
Salaries of extra clerks	2,000.00
Salary of janitor	600.00
Salary of actuary	250.00
Contingent expenses	500.00

Bureau of Building and Loan Associations.

Salary of inspector	$1,000.00
Salary of deputy inspector	1,800.00
Salary of chief clerk	1,200.00
Salary of clerk	1,000.00
Salaries of extra clerks	800.00
Salary of mailing clerks	200.00
Salary of janitor	120.00
Contingent expenses	125.00

Supervisor of Public Printing.

State printing	$5,000.00
State binding	10,000.00
Salary of supervisor	2,000.00
Contingent expenses	200.00

Supreme Court.

Salary of stenographer and stenographic works	$1,200.00
Contingent expenses	300.00
Salary of janitor	1,000.00
Salary of messenger	1,000.00

Clerk of Supreme Court.

Salary of clerk	$1,500.00
Salary of first deputy	1,450.00
Salary of second deputy	1,250.00
Salary of stenographer	800.00
Contingent expense	125.00
Salary of janitor	200.00

Reporter of the Supreme Court.

Salary of reporter	$1,500.00
Contingent expense	200.00

Treasurer of State.

Partial appropriations for 1900 and 1901.

Salary of treasurer of state	$3,000.00
Salary of cashier	2,400.00
Salary of two book-keepers	3,300.00
Salary of two night watchmen	1,800.00
Salary of corresponding clerk	600.00
Contingent expenses	300.00
Collecting auditor of state's drafts	600.00

Ohio Penitentiary.

Per diem of managers	$5,000.00
Salaries of officers	5,680.00
Salaries of guards	20,000.00
Current expenses	25,000.00
Expenses of execution	625.00
Manufacture of gas	3,500.00
Rewards to discharged convicts	5,000.00
Ordinary repairs and improvements	3,500.00
Sewerage and water works	1,500.00

Ohio State Reformatory.

Salaries of managers	$3,000.00
Salaries of officers	5,000.00
Salaries of guards	8,000.00
Ordinary repairs and improvements	1,000.00

Athens State Hospital.

Salaries of officers and trustees' expenses	$1,800.00
Ordinary repairs and improvements	3,000.00

Cleveland State Hospital.

Current expenses	$25,000.00
Salaries of officers and trustees' expenses	1,800.00
Ordinary repairs and improvements	3,000.00

Columbus State Hospital.

Current expenses	$33,875.00
Salaries of officers and trustees' expenses	2,100.00
Ordinary repairs and improvements	3,000.00

Dayton State Hospital.

Current expenses	$16,000.00
Salaries of officers and trustees' expenses	2,000.00
Ordinary repairs and improvements	3,000.00

Longview State Hospital.

Current expenses	$30,000.00

Massillon State Hospital.

Current expenses	$15,000.00	Partial appropriations for 1900 and 1901.
Salaries of officers and trustees' expenses	1,800.00	
Ordinary repairs and improvements	1,500.00	

Toledo State Hospital.

Current expenses	$30,000.00
Salaries of officers and expenses of trustees	1,800.00
Ordinary repairs and improvements	3,750.00

Boys' Industrial School.

Current expenses	$10,000.00
Salaries of officers and teachers and trustees' expenses	8,000.00
Ordinary repairs and improvements	2,000.00
Rewards	200.00
Ministerial and lectures	150.00

Girls' Industrial Home.

Current expenses	$2,000.00
Salaries of officers and teachers and trustees' expenses	3,500.00
Ordinary repairs and improvements	2,000.00

Institution for the Blind.

Current expenses	$4,000.00
Salaries of officers and teachers, and trustees' expenses	4,000.00
Ordinary repairs and improvements	3,000.00

Institution for the Education of the Deaf.

Current expenses	$5,000.00
Salaries of officers and teachers,and trustees' expenses	7,000.00
Ordinary repairs and improvements	2,000.00
Lumber and nails for boxes	250.00

Ohio Institution for Feeble-Minded Youth.

Current expenses	$15,000.00
Salaries of officers and teachers, and trustees' expenses	4,000.00
Ordinary repairs and improvements	4,000.00

Ohio Soldiers' and Sailors' Home.

Current expenses and clothing	$20,000.00
Salaries of officers and trustees' expenses	2,000.00
Ordinary repairs and improvements	3,000.00

Ohio Soldiers' and Sailors' Orphans' Home.

Partial appropriations for 1900 and 1901.

Current expenses	$25,000.00
Salaries of officers and teachers, and trustees' expenses	6,000.00
Ordinary repairs and improvements	4,000.00
Industrial pursuits	2,000.00
Salaries of foremen and instructors	2,500.00
Net earnings	500.00

Ohio Hospital for Epileptics.

Current expenses	$16,000.00
Salaries of officers and trustees' expenses	1,400.00
Ordinary repairs and improvements	3,000.00
Transportation of patients	1,500.00

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1900, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; no bills for carpets or furniture, or any expenses for officers attending state, interstate or national associations of benevolent institutions, shall be paid out of the appropriations made for current expenses of said institutions; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished or expenses incurred, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state, shall be allowed from any amount hereby appropriated, and this act shall take effect on its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 15, 1900. 6G

[House Bill No. 136.]

AN ACT

To make appropriation for the support of common schools.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for common schools.

SECTION 1. That there be, and is hereby appropriated, from any moneys raised or coming into the state treasury for the support of common schools, for the fiscal year ending November 15, 1900, and for the fiscal year ending November 15, 1901, the sum of three million five hundred and seventy thousand nine hundred ($3,570,900) dollars, or as much as may come into the state treasury for that purpose at a rate not exceeding one dollar and forty-five ($1.45) cents, for each enumerated school youth, to be distributed and paid in the manner provided by section 3956 of the Revised Statutes.

SECTION 2. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 15, 1900. 7G

[House Bill No. 137.]

AN ACT

To make an appropriation to pay the principal and interest on the public funded debt and interest on the irreducible debt and expenses of the sinking fund commission.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation to pay principal and interest on public debt.

SECTION 1. That there be and is hereby appropriated from any money that may be in the treasury or that may come into the treasury, belonging to the sinking fund, the following sums for the purposes herein named: For the payment of the principal of the funded debt due July 1, 1900, and July 1, 1901, five hundred and fifty thousand ($550,000) dollars; for payment of interest on funded debt, fifty-five thousand ($55,000) dollars; or so much thereof as may be necessary to pay the interest falling due July 1, 1900, and January 1, 1901, and July 1, 1901, and January 1, 1902; for interest on irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio university and Ohio state university, five hundred and seventy-five thousand ($575,000) dollars; for the expense of the commissioners in paying the loan and interest due July 1, 1900, and January 1, 1901, and July 1, 1901, and January 1, 1902, fourteen hundred ($1,400) dollars; for payment of the office expenses of the commissioners of the sinking fund, including salary of clerk, three thousand ($3,000) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 15, 1900. 8G

[House Bill No. 230.]

AN ACT

To make an appropriation for the deaf mute schools in the cities of Cincinnati and Cleveland.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for deaf mute schools in Cincinnati and Cleveland.

SECTION 1. That there be and is hereby appropriated from any money in the state treasury to the credit of the state common school fund, not otherwise appropriated, the sum of five thousand six hundred and fifty ($5,650) dollars, for the support of the deaf mute school in Cincinnati, and the sum of seven thousand nine hundred and seventy-five ($7,975) dollars for the support of the deaf mute school in Cleveland, to be paid in the manner provided by an act passed April 21, 1898, (O. L. 93, page 186.)

SECTION 2. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 15, 1900. 9G

[House Bill No. 68.]

AN ACT

To amend section 4427 of the Revised Statutes of Ohio, as amended April 27, 1896 (92 O. L., 332), and to further supplement said section with section 4427b as Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Taverns:

SECTION 1. That section 4427 of the Revised Statutes of Ohio, as amended April 27, 1896, be amended to read as follows:

Liability for loss of property.

Sec. 4427. No innkeeper, whether individual, partnership or corporation, who constantly has in his inn a metal safe or suitable vault in good order, and fit for the custody of money, banknotes, jewelry, articles of gold and silver manufacture, precious stones, personal ornaments, railroad mileage books or tickets, negotiable or valuable papers, and

bullion, and who keeps on the doors of the sleeping rooms used by his guests suitable locks or bolts, and on the transoms and windows of said rooms suitable fastenings, and who keeps a copy of this section printed in distinct type constantly and conspicuously suspended in the office and in the ladies' parlor or sitting room, bar room, washroom and in five other conspicuous places in said inn, or in not less than ten conspicuous places in all in said inn, shall be liable for the loss or injury suffered by any guest, unless such guest has offered to deliver the same to such innkeeper for custody, in such metal safe or vault, and such innkeeper has omitted or refused to take it and deposit it in such safe or vault for custody and to give such guest a receipt therefor. Provided, however, that the keeper of any inn shall not be obliged to receive from any one guest for deposit in such safe or vault any property hereinbefore described exceeding a total value of five hundred dollars, and shall not be liable for any excess of such property whether received or not; but such innkeeper may by special arrangement with a guest receive for deposit in such safe or vault any property upon such terms as they may agree to in writing, but every innkeeper shall be liable for any loss of the above-enumerated articles of a guest in his inn, caused by the theft or negligence of the innkeeper or any of his servants.

Special arrangements.

SECTION 2. That section 4427 be further supplemented by the following section, numbered as indicated:

Innkeeper's lien.

Sec. 4427*b*. The keeper of any inn, whether individual, partnership or corporation, shall have a lien on the baggage and other property in and about such inn belonging to or under the control of his guests or boarders for the proper charges due him from such guests or boarders for the accommodation, board and lodging, and for all money paid for or advanced to them, and for such other extras as are furnished at their request, and said innkeeper shall have the right to detain such baggage and other property until the amount of such charges is paid, and such baggage and other property shall not be exempt from attachment or execution until such innkeeper's lien and the cost of satisfying it are satisfied. The innkeeper shall retain such baggage and other property upon which he has a lien for a period of sixty days, at the expiration of which time, if such lien is not satisfied, he may sell such baggage and other property at public auction, after giving ten days' notice of the time and place of sale in a newspaper of general circulation in the county where the inn is situated, and also by mailing a copy of such notice addressed to said guest or boarder at the place of residence registered by him in the register of such inn; and after satisfying the lien and any costs that may accrue, any residue remaining shall, on demand within six months, be paid to such guest or boarder, and if not so demanded within six months from date of such sale, said residue shall be deposited by such innkeeper with the treasurer of the

Sale of property.

Disposal of proceeds.

county in which the inn is situated, together with a statement of the innkeeper's claim, the cost of enforcing same, a copy of the published notice, and of the amounts received for the goods sold at said sale; said residue shall by said county treasurer be credited to the general revenue fund of said county, subject to a right of said guest or boarder, or his representatives, to reclaim the same at any time within three years of the date of deposit with said treasurer.

Repeal of inconsistent statutes.

SECTION 3. Any provisions of the statutes of this state in force when this act takes effect, which conflicts with any provisions of this act, shall be held to be superceded by this act as to the matter of inconsistency.

Repeals.

SECTION 4. Section 4427 of the Revised Statutes, as amended April 27, 1896, is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 10G

[House Bill No. 129.]

AN ACT

To amend section 1561*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Villages and hamlets:

SECTION 1. That Section 1561*a* of the Revised Statutes of Ohio be amended so as to read as follows:

Petition to township trustees for incorporation.

Sec. 1561*a*. When the inhabitants of any territory or portion thereof desire that such territory shall be incorporated into a village or hamlet they shall make application to the trustees of the township [in which] the territory is located, or if the territory is located in more than one township, to the trustees of the township in which the majority of the said inhabitants reside, by petition, signed by at least 30 electors thereof, a majority of whom shall be freeholders. Said petition shall be accompanied by an accurate map of the territory, and shall contain in addition to the matter set forth in section 1555 of the Revised Statutes of Ohio, the request of the petitioners that an election be held to obtain the sense of the electors upon such incorporation and such petition may be presented at a regular or special meeting of the township trustees.

Repeals.

SECTION 2. That said original section 1561*a* be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 11G.

[Senate Bill No. 61.]

AN ACT

To amend section 5 of an act entitled "An act to provide for the creation, maintenance and distribution of a policeman's pension fund in certain cities in which the tenure of office of members of the police department is during good behavior," passed March 30th, 1898 (O. L. vol. 95 [93], p. 76.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5 of the above recited act, passed March 30th, 1898, (O. L. vol. 95, [93] p. 76), be amended so as to read as follows:

Tax on foreign insurance companies applied to firemen's pension fund.

Sec. 5. That the treasurers of counties containing a city to which this act is applicable, shall, semi-annually, at the time of their semi-annual settlements with the auditors of their respective counties, pay over to the treasurer of the policemen's pension fund one-half the amount of all the taxes paid into the treasuries of their respective counties by foreign insurance companies, on their gross receipts under the provisions of section 2745 of the Revised Statutes during the half year preceding such semi-annual settlement.

Repeal.

SECTION 2. That said original section 5, passed March 30th, 1898 (O. L. vol. 95, [93] p. 76), be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 9, 1900. 12G.

[House Bill No. 53.]

AN ACT

To amend section 621*a* of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Justices of the peace:

SECTION 1. That section 621a be amended, so as to read as follows:

Salary, clerk hire, office rent, etc., in Cleveland.

Sec. 621a. In all cities in this state of the second grade of the first class, each justice of the peace, for services rendered, shall receive in lieu of all fees a salary of eighteen hundred dollars, and seven hundred and fifty dollars for clerk hire, and not exceeding three hundred dollars for office rent, per annum, payable out of the city treasury in quarterly payments, on the first Saturday of January, April, July and October, in each year, together with such suitable office furniture as the council of such cities may provide, not exceeding in value two hundred ($200) dollars; the said furniture when so provided to be and remain the property of the city, and to be turned over by each outgoing justice

Cincinnati: Salary of justice; clerk hire, etc.

of the peace to his successor in office; he shall also be provided by such council with all necessary blanks and stationery; and in all townships whose boundaries are, or which may hereafter be wholly within the limits of the [a] city of the first grade of the first class, each justice of the peace shall, in like manner, receive a salary of two thousand five hundred dollars per annum, and seven hundred and fifty dollars for clerk hire, and shall be provided with such suitable office accommodations together with all necessary blanks and stationery as the board of legislation or other legislative body having like powers of each of such cities may direct. And hereafter there shall not be more than five justices of the peace for each of such townships, but the provisions of this act shall not be construed so as to prevent any present incumbent of such office from serving out the full term to which he has been elected. And in all such townships where there are more present incumbents of said office than the number to be hereafter elected, no election shall be held for justice therein until by expiration of their term of office the number of justices of the peace therein has been reduced to five, and thereafter elections shall be held in such townships to fill all vacancies occurring in such office. (90 v. 294; 88 v. 522; 83 v. 168.)

Repeals.

SECTION 2. That section 621a be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 13G.

[House Bill No. 91.]

AN ACT

To amend sections 7076*b* and 7076*c*, as enacted May 11, 1886 (83 O. L., 138).

Be it enacted by the General Assembly of the State of Ohio:

Frauds, forgery, and counterfeiting:

SECTION 1. That sections 7076*b* and 7076*c*, as enacted May 11, 1886, be amended to read as follows:

Proof of fraudulent intent.

Sec. 7076*b*. Proof that lodging, food or other accommodation was obtained by false pretence, or by false or fictitious show or pretence of any baggage or other property, or that the person refused or neglected to pay for such food, lodging or other accommodation on demand, or that he gave in payment for such food, lodging or other accommodation, negotiable paper on which payment was refused, or that he absconded without paying or offering to pay for such food, lodging or other accommodation, or that he surreptitiously removed or attempted to remove his baggage,

shall be prima facie proof of the fraudulent intent mentioned in section seven thousand and seventy-six (a); but this act shall not apply where there has been an agreement for delay in payment for a period to exceed ten days.. Agreement for delay.

Sec. 7076*c*. It shall be the duty of every hotel, inn, or boarding-house keeper within this state to keep a copy of section seven hundred [thousand] and seventy-six (a) and of section seven hundred [thousand] and seventy-six (b) printed in distinct type posted conspicuously in the office, the ladies' parlor or sitting room, bar-room, wash-room and in five other conspicuous places in said inn, or in not less than ten conspicuous places in all in said inn. Notice of provisions of this act.

SECTION 2. That sections 7076*b* and 7076*c*, as enacted May 11, 1886, be and they are hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 14G.

[House Bill No. 9.]

AN ACT

To authorize the election of one additional judge in the second subdivision of the ninth judicial district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be elected in the second subdivision of the ninth judicial district of Ohio, composed of the counties of Mahoning, Trumbull and Portage, by the electors thereof, under and in pursuance of the general election laws of the state of Ohio, governing the election of judges of the court of common pleas, at the general election to be held November, 1902, one judge of the court of common pleas, in addition to the two judges heretofore provided for by law for said subdivision of said ninth judicial district. Said additional judge shall be elected for the term of five years; his term of office shall begin on the fourth Monday of April, 1903, and he shall have all the power and be subject to all the obligations, and shall perform all the duties pertaining to said office of judge of the court of common pleas; he shall receive the same compensation as other common pleas judges, and vacancies, if any occur in his office, shall be filled as provided by law in such cases, and his successor shall be elected at the regular annual election, which shall be held the first Tuesday after the first Monday in November, next preceding the expiration of his term of office, and every five years thereafter. Judges and judicial districts: Additional judge in second subdivision of ninth district. Term, powers, duties and compensation. Vacancy. Successor.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 15G

[House Bill No. 26.]

AN ACT

To supplement section 1692 of the Revised Statutes of Ohio, with sectional numbering 1692*g* authorizing the councils of cities of the first class and cities of the first and second grades of the second class to provide by ordinance for the requiring of conductors on street cars.

Be it enacted by the General Assembly of the State of Ohio:

Cities and villages: Conductors on street cars in Cincinnati, Cleveland, Columbus and Dayton.

SECTION 1. That section 1692 be supplemented by the enactment of supplemented statutes 1692*g* as follows:

[Sec. 1692*g*.] That in all cities of the first class and cities of the first and second grades of the second class, the city councils may provide by ordinance for and require conductors on all street cars within the corporate limits of said cities, and provide penalty for the violation of such ordinance.

SECTION 2. This act shall take effect and be in force from and after June 1, 1900.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 27, 1900. 16G

[Senate Bill No. 48.]

AN ACT

To provide for the redemption and payment of bonds and of interest on the mortgage debt upon the state fair grounds.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for state board of agriculture.

SECTION 1. That there be and is hereby appropriated from money belonging to the sinking fund, the following sums for the purpose of paying the debt of the Ohio state board of agriculture, as herein named: To redeem first mortgage bonds of said board, payable July 1, 1900, of the sixty thousand ($60,000) [dollars] issue authorized by act of the genaral assembly, passed May 1, 1885, which are then payable, five thousand ($5,000) dollars; for one year's interest on the total unpaid bonds of said issue, four hundred and

fifty ($450) dollars; to redeem first mortgage bonds of said board, payable July 1, 1901, of same issue, which are then payable, five thousand ($5,000) dollars; for balance six month's interest on unpaid bonds of said issue, one hundred and fifty ($150) dollars; for one year's interest on the eighty thousand ($80,000) dollar bond issue of said board, authorized by act of the general assembly, passed April 12, 1898, said interest payable semi-annually, March 1 and September 1, 1900, two thousand ($2,000) dollars; for one year's interest on said issue, payable March 1 and September 1, 1901, two thousand ($2,000) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.
Passed February 27, 1900. 17G

[House Bill No. 232.]

AN ACT

To amend section 1545-13 (Chapter 2, Title 12, Division 7) of the Revised Statutes of Ohio, creating an additional judge of police court, and fixing the terms and salaries of the police judges.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1545-13 of the Revised Statutes of Ohio be so amended as to read as follows: Cleveland:

Additional police judge; election, term, duties, compensation, etc.

Sec. 1545-13. There shall be a mayor, treasurer, two police judges, prosecuting attorney of the police court and a clerk of the police court, who shall be chosen by the electors in the same manner and for the same terms as now provided by law; except as herein provided. The additional police judge as created by this act shall be chosen by the electors at the first annual municipal election after the passage of this act, and shall serve for the term of three years and until his successor is elected and qualified and thereafter as the terms of such judges expire their successors shall in like manner be elected, for a term of three years. Such additional judge shall when elected qualify in the same manner, shall have the same jurisdiction, power and authority, discharge the same duties and be subject to the same liabilities as now provided by law for a judge of the police court in such city. The judges of the police court shall receive no fees or perquisites, but each shall receive such annual compensation, not exceeding two thousand five hundred ($2,500) dollars, as the council may prescribe, payable monthly out of the city treasury, and such further

compensation, payable out of the county treasury, as the commissioners of the county may deem proper.

Repeals.

SECTION 2. That said section 1545-13, and all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 27, 1900. 18G

[House Bill No. 148.]

AN ACT

To amend section 4733 of the Revised Statutes of Ohio as amended March 24, 1881 (vol. 78, page 83); 1880 (vol. 65, p. 14, section 12), (S. & S. 665; S. & C. 1316), in relation to giving township trustees authority to construct footwalks, sidewalks, foot-bridges, etc.

Be it enacted by the General Assembly of the State of Ohio:

Supervisors and roadwork:

SECTION 1. That section 4733 of the Revised Statutes of Ohio be so amended so as to read as follows:

Trustees or road supervisor may construct footwalk, foot bridge, etc., upon petition.

Sec. 4733. That the trustees may and are hereby authorized to construct on either side of any public road in the township a public footwalk or sidewalk, and also public foot-bridges over streams of water crossing any such road, whenever it is made to appear by petition of twelve freeholders of the township, presented to the trustees, that such footwalk, sidewalk or foot-bridge is necessary; and the trustees may, if the request is deemed reasonable, order the supervisor of the district in which said improvement is desired to construct the same of such material and at such expense as the trustees shall prescribe, which shall not in any manner obstruct the public highway or any private entrance; or the trustees may construct by contract with the lowest responsible bidder; all such improvements to be paid for out of the township road fund.

Repeals.

SECTION 2. Said original section 4733 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 27, 1900. 19G

[House Bill No. 4.]

AN ACT

Entitled "An act to require railroad corporations to equip and furnish all cars used in their service with air-brakes and automatic couplers, and their engines with power-brakes," passed April 14, 1898.

Be it enacted by the General Assembly of the State of Ohio:

Equipment and operation of railroad cars with automatic couplers and air brakes.

SECTION 1. That every railroad corporation operating a railroad or part of a railroad in this state, shall, on or before the first day of August, A. D. 1900, equip and furnish all cars, owned and leased, used in its service in this state with automatic couplers, coupling automatically, and which can be uncoupled without the necessity of men going between the ends of the cars; and shall equip, furnish and operate all cars in its passenger service, and not less than thirty per cent. of the cars in its freight service with air brakes; and no freight train shall, after such date, be run by any such railroad corporation over any part of its road lying within this state unless at least twenty-five per cent. of the cars composing such freight train are so equipped, furnished and operated with perfectly acting air-brakes and so as to enable the engineer to control the speed of the train without the use of hand-brakes; provided, that on or before January 1, 1900, twenty-five (25) per cent. of all the automatic couplers and air-brakes hereinbefore provided to be put upon cars, shall be so furnished on or before January 1, 1900.

Semi-annual reports to be made by railroad companies.

SECTION 2. And it shall be the duty of any railroad corporation operating a railroad or part of a railroad within this state, to report to the commissioner of railroads every six months after the passage of this act, and until the first day of August, A. D. 1900, the number and class of cars in their service equipped with such automatic couplers and air-brakes, and the number of cars not so equipped; to report upon blanks furnished by such commissioner.

Repeals.

SECTION 3. Said sections 1 and 2, as passed April 25th, 1898, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 27, 1900. 20G

[House Bill No. 46.]

AN ACT

To amend section 936*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 936*a* of the Revised Statutes of Ohio be amended to read as follows:

Acceptance and use of bequest to district children's home or county children's home.

Sec. 936*a*. When any person has heretofore by his or her last will and testament, bequeathed, or shall hereafter bequeath, his or her estate, or any part thereof, to the use and benefit of any district children's home, organized under the provisions of section 936, Revised Statutes of Ohio, or to the use and benefit of any county children's home organized and conducted under the provisions of sections 929 and 930 to 934 inclusive, of said Revised Statutes, the trustees of any such children's home may accept and use such bequest in such manner as they may deem for the best interests of the institution, consistent with the provisions and conditions of the last will and testament of the donor of any such bequest.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 27, 1900. 21G

[House Bill No. 165.]

AN ACT

To amend section 4002 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

School-houses and libraries:

SECTION 1. That section 4002 be amended so as to read as follows:

Library tax, and how expended.

Sec. 4002. For the purpose of increasing and maintaining the public library in said city, and the territory thereto attached for school purposes, such library board may levy annually a tax of six-tenths of one mill on each dollar valuation of the taxable property of the city, and the territory thereto attached for school purposes, to be levied, collected and paid in the same manner as are school taxes of the city; all money appropriated, received or collected by tax for the library, shall be expended under the direction of the library board in purchasing such books, pamphlets, papers, magazines, periodicals, journals and other property as may be deemed suitable for the public library, and in payment of all other charges and expenses, including compensation of the librarian, assistants and help that

may be incurred in increasing and maintaining the library, and all claims against said fund shall be approved by the president and secretary of said library board and paid upon the warrant of the auditor of the board of education in the manner now provided by law for the payment of claims against said city.

Repeals.

SECTION 2. That said section 4002 of the Revised Statutes, as amended May 16, 1894, be and the same is hereby repealed, and this act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 27, 1900. 22G

[House Bill No. 130.]

AN ACT

Making appropriations for the Ohio state university.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for Ohio state university.

SECTION 1. That there be and is hereby appropriated from any moneys raised or coming into the state treasury to the credit of the "Ohio state university fund," not otherwise appropriated, for the last three quarters of the fiscal year ending November 15, 1900, and the first quarter of the fiscal year ending November 15, 1901, the sum of one hundred and eighty thousand dollars ($180,000), or so much as may come into the treasury to the credit of said fund; and for the last three quarters of the fiscal year ending November 15, 1901, and the first quarter of the fiscal year ending November 15, 1902, the sum of one hundred and eighty-five thousand dollars ($185,000) or so much as may come into the treasury to the credit of said fund, to be applied to the uses and purposes of the Ohio state university in accordance with the provisions of section 3951 of the Revised Statutes of Ohio as amended March 6, 1896.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 27, 1900. 23G

[Senate Bill No. 19.]

AN ACT

To supplement an act entitled "An act authorizing the appointment of a commission to ascertain and mark the position occupied by Ohio troops in the battle of Shiloh, and to make an appropriation to pay the personal expenses of the commission."

Preamble:

WHEREAS, Under the act of congress approved December 4, 1894, establishing the "Shiloh national military park" the government has purchased about three thousand acres of the Shiloh battlefield, embracing most of the heavy fighting ground; and

WHEREAS, The State of Tennessee has ceded to the United States, jurisdiction over said battlefield; and

WHEREAS, The national commission appointed under the act of congress referred to, proposes to restore, and has already, to a large extent restored, the said battlefield of Shiloh to the condition it was in at the time of the battle, by clearing away new growths of timber, closing new roads and reopening old ones; and

WHEREAS, The said national park, with its graded avenues between battle lines, and its handsome monuments commemorative of American valor, will, when completed, be of national interest; and

WHEREAS, Under an act entitled, "An act authorizing the appointment of a commission to ascertain and mark the positions occupied by Ohio troops in the battle of Shiloh and to make an appropriation to pay the personal expenses of the commission," passed by the General Assembly of Ohio, April 25, 1898, six commissioners were appointed to serve, without pay, charged with the duty of ascertaining and marking the positions occupied by Ohio troops in the battle of Shiloh; and

WHEREAS, Said commissioners, in coöperation with the national commission, has carefully selected the sites for monuments to mark said positions, and which are historically accurate as to the regiments, battalions and batteries engaged; and

WHEREAS, Said commissioners having substantially completed the preliminary task assigned them by the General Assembly, are now ready to proceed to the execution of the further work contemplated by the act of April 25, 1898, to-wit: The erection of monuments and tablets to mark the positions of Ohio troops on the battlefield of Shiloh, and such Ohio commands, belonging to the armies of the Tennessee and Ohio, as were on detached duty under orders of the commanding general and later reported on the battlefield; and

WHEREAS, Said commissioners have made an estimate of the sum of money required for the completion of said work, said estimate being as follows, to-wit: Monuments

for twenty-four (24) regiments of infantry, engaged, costing not to exceed $1,500.00 each, $36,000.00; monuments for six (6) batteries of artillery, engaged, costing not to exceed $1,000.00 each, $6.000.00; a monument for two (2) battalions of cavalry, engaged, costing not to exceed $1,000.00; monuments for four (4) regiments of infantry, not engaged, but on detached duty, costing not to exceed $1,000.00 each, $4,000.00; and a monument for one (1) battalion of cavalry on detached duty, $500.00; incidental expenses, including clerk hire, office rent, traveling expenses, stationery and such other items of expense as may occur in making contracts for monuments and markers, and supervising their erection, $5,500.00; and

WHEREAS, It is the judgment of said commissioners that for the economical prosecution of the work contemplated $3,000.00 should be available and subject to the orders of said commission on and after March 1, 1900; $25,000.00 on and after December 1, 1900, and $25,000.00 not later than December 1, 1901, at which latter date, being within about two years of the present time, it is proposed to have all the monuments and tablets erected and the work of the commission practically completed; now therefore

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for marking positions of Ohio troops at battle of Shiloh.

SECTION 1. That in addition to the sum appropriated by the provisions of the aforesaid act, there is hereby appropriated out of any funds in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of fifty-three thousand dollars ($53,000.00) to be used as hereinafter provided, warrants for which shall be drawn by the auditor of state upon the treasurer of state at the times and for the sums following: March 1, 1900, a warrant for three thousand dollars; December 1, 1900, a warrant for twenty-five thousand dollars; and December 1, 1901, a warrant for twenty-five thousand dollars. Said warrants to be issued by the auditor of state on requisitions duly approved by a majority of the members of said Ohio commission, and made payable to the order of the treasurer of said commission, who shall file with the auditor of state a detailed statement of the expenses paid from the appropriation hereby made.

Annual report to the governor.

SECTION 2. Said commission shall keep an account of all disbursements, and make a full report thereof to the governor on or before the 15th day of November of each year during the continuance of said trust.

Commission to consult with representatives of regiments and batteries. Private subscriptions.

SECTION 3. The representatives of regiments and batteries shall, in so far as it is practicable to do so, be consulted by the commission as to style of monuments they desire, and as to the inscriptions to be put thereon. And any regimental or battery organization shall be permitted to raise by private subscription such additional sum of money as it may see fit, to be used in connection with the money supplied by the state in the purchase and erection of the monuments for such regiment or battery.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.
Passed February 28, 1900. 24G

[Senate Bill No. 122.]

AN ACT

To amend section 1271 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Prosecuting attorney:

SECTION 1. That section 1271 of the Revised Statutes of Ohio be amended so as to read as follows:

Assistant prosecuting attorneys in Hamilton, Cuyahoga, Franklin and Lucas counties.

Sec. 1271. In Hamilton county the presiding judge of the court of common pleas, the presiding judge of the superior court of Cincinnati, and the probate judge, may appoint a first assistant and second assistant prosecuting attorney. In Cuyahoga county the judges of the court of common pleas may appoint two assistant prosecuting attorneys who shall also be assistant court solicitors. And said judges may, from time to time, appoint such special assistants to aid the prosecuting attorney, as in their opinion the public business may require, who shall be paid out of the treasury of the county, on the warrant of the county auditor, such sum as the court may approve and order. In Franklin county the judges of the common pleas court residing therein may appoint a first assistant and a second assistant prosecuting attorney. In Lucas county a majority of the judges of the court of common pleas residing therein may appoint an assistant prosecuting attorney. Such assistant prosecuting attorney shall be appointed as aforesaid only upon the nomination of the prosecuting attorney of such counties, respectively, and shall receive such salary as shall be fixed by the judges appointing them, not exceeding, in Hamilton county, twenty-five hundred dollars to the first assistant or eighteen hundred dollars to the second assistant; and not exceeding, in Cuyahoga county, twenty-five hundred dollars nor less than two thousand dollars per annum; and not exceeding, in Franklin county, two thousand dollars per annum to the first assistant prosecuting attorney or fifteen hundred dollars per annum to the second assistant prosecuting [attorney]; and not exceeding, in Lucas county, eighteen hundred dollars per annum to the assistant prosecuting attorney. Such salary shall be paid out of the treasury of the respective counties on the warrant of the auditor of such county. The term of appointment for such assistant prosecuting attorneys and such second assistant prosecuting attorneys shall be one year from and after the day of appointment, and when there is a vacancy the

Salary.

Term.

appointing judges may renew the appointment as hereinbefore provided.

SECTION 2. Said original section No. 1271 be and is hereby repealed. Repeals.

SECTION 3. That this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed February 28, 1900. 25G

[House Bill No. 464.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of fifty thousand ($50,000) dollars for salaries and mileage of members, per diem of clerks, sergeant-at-arms and other officers and employes of the general assembly; six thousand ($6,000.00) dollars for contingent expenses of the house; five thousand ($5,000.00) dollars for contingent expenses of the senate. Appropriation for general assembly.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed February 28, 1900. 26G.

[House Bill No. 334.]

AN ACT

To supplement section 2795 of the Revised Statutes of the state of Ohio, and authorizing additional compensation to real estate assessors in Franklin county, and such assessors and their assistants in cities of the third grade of the first class.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2795 of the Revised Statutes of Ohio be supplemented as follows: Assessing real estate:

Section 2795—2. The county commissioners of Franklin county, state of Ohio, be and are hereby authorized and directed to pay said assessors of real estate, the sum of one dollar per day, for each day necessarily employed in the Compensation of assessors of real estate in Franklin county and in cities of the first class, third grade.

performance of their duties, in addition to the amount allowed by law, upon proper vouchers by said commissioners, and the approval of the auditor of said county. And in cities of the first class, third grade each such assessor or land appraiser, and each assistant shall be paid four dollars per day instead of two dollars per day as provided in said section 2795 Revised Statutes.

SECTION 2. That this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed February 28, 1900. 27G

[House Bill No. 200.]

AN ACT

Making appropriations for the Ohio university, the Miami university, and for the normal and industrial department of the Wilberforce university.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for Ohio university, Miami university and Wilberforce university.

SECTION 1. That there be and is hereby appropriated from any money raised or coming into the state treasury to the credit of the Ohio university, Miami university and the normal and industrial department of the Wilberforce university funds, not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15th, 1900, and the first quarter of the fiscal year ending February 15th, 1901, the following sums, towit:

For the Ohio university the sum of $33,000;

For the Miami university the sum of $24,000;

For the normal and industrial department of the Wilberforce university the sum of $19,000.

And for the last three quarters of the fiscal year ending November 15th, 1901, and the first quarter of the fiscal year ending February 15th, 1902, the following sums, towit:

For the Ohio university the sum of $33,000;

For the Miami university the sum of $24,000;

For the normal and industrial department of the Wilberforce university the sum of $19,000 or so much of said several amounts as may come into the state treasury to the credit of said funds, to be applied to the uses and purposes of the said universities, in accordance with the provisions of section 3951, Revised Statutes, as amended March 20, 1891 (O. L., vol. 88, p. 159), and as further amended February 26, 1896, and April 16, 1896.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 1, 1900. 28G

[House Bill No. 195.]

AN ACT

To amend section 5107 of the Revised Statutes of Ohio as amended (51 O. L., page 57.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. [Sec. 5107.] The affidavit verifying a pleading may be made before any person authorized to administer oaths whether an attorney in the case or not, and must be signed by the party who makes it; the officer before whom the same was taken shall certify that it was sworn to before him and signed in his presence; and a certificate of the officer signed officially by him, shall be evidence that the affidavit was duly made, that the name of the officer was written by himself and that he was such officer.

General rules:

Affidavit to be signed and certified; before whom made.

SECTION 2. That said section 5107 of the Revised Statutes of Ohio as heretofore amended, be and the same is hereby repealed; and this act shall take effect on its passage.

Repeals

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 1, 1900. 29G

[House Bill No. 17.]

AN ACT

For the better protection of life and property against injury or damage, resulting from the operation of steam engines and boilers by incompetent engineers and others, and to repeal an act therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That it shall be unlawful for any person to operate a steam boiler or engine in the state of Ohio, of more than thirty-five horse power, except boilers and engines, under the jurisdiction of the United States, and locomotive boilers and engines, without having been duly licensed so to do as herein provided. And it shall be unlaw-

Licensing of stationary engineers

ful for any owner or user of any steam boiler or engine, other than those excepted, to operate or cause to be operated such steam boiler or engine without a duly licensed engineer in charge.

Examination; districts.

SECTION 2. For the purpose of facilitating an efficient and thorough examination of engineers throughout the state of Ohio, and to provide for a more adequate protection of life and property, the state is hereby divided into six (6) districts, to be designated by the chief examiner.

Governor to appoint chief examiner.

District examiners.

SECTION 3. The governor of the state of Ohio, with and by the advice and consent of the senate, shall appoint one chief examiner of steam engineers, and said chief examiner of steam engineers, with the approval of the governor, shall appoint six (6) district examiners of steam engineers, provided, however, that not more than three of said examiners so appointed shall be members of any one of the political parties. The chief examiner and district examiners, shall be competent and practical steam engineers, and shall hold their offices for a term of three (3) years from the first day of May, 1900, after their respective appointments, and until their successors are appointed and qualified. The first appointments hereunder shall be made within sixty days from the passage of this act. In case of the resignation, removal or death of the chief examiner, or any district examiner, the vacancy shall be filled in the manner as provided for the original appointments, for the unexpired term only, of the position so made vacant.

Term of office

Qualifications.

SECTION 4. All candidates for chief examiner shall have not less than ten (10) years' experience as a practical steam engineer, previous to his appointment, and all candidates for district examiners shall have had not less than seven (7) years' experience as a practical steam engineer, previous to their appointments.

Duties, bond, salary, etc.

SECTION 5. The chief examiner and district examiners shall give their whole time and attention to the duties of their offices respectively. The chief examiner shall be located at Columbus, and shall have his office in the state house, where shall be kept the records of his office, and for the purpose of keeping such records shall be allowed one clerk at a salary not to exceed $720 per annum, said clerk to be appointed by the chief examiner, with the approval of the governor, and to give a bond in the sum of $1,500. The chief examiner shall issue such instructions, make such rules and regulations for the government of the district examiners, not inconsistent with the powers and duties vested in them by law, as shall secure uniformity of action and proceedings throughout the different districts. The chief examiner shall receive a salary of $1,800 per annum, and the district examiners shall each receive a salary of $1,200 per annum, which salary and all necessary traveling and office expenses incurred by said examiners in the discharge of their duties, shall be paid out of the treasury of the state, from any fund therein not otherwise appropriated,

on the warrant of the auditor, on the presentation to him of the proper vouchers. The chief examiner shall give bond in the sum of $3,000, and said district examiners shall give bond in the sum of $2,000. All bonds required by this act to be given shall be approved by the governor.

License, how obtained.

SECTION 6. Any person who desires to act as a steam engineer, shall make application to any district examiner of steam engineers for a license so to act, upon a blank furnished by the engineer, and if, upon examination, the applicant is found trustworthy and competent, a license shall be granted him, to have charge of, or to operate any steam plant. Such license shall continue in force for one year, unless after proper hearing it is sooner revoked for intoxication or other sufficient cause, the said license to be renewed yearly.

Who entitled to license without examination.

SECTION 7. Any engineer who has been employed continuously as a steam engineer in the state of Ohio for a period of three years next prior to the passage of this act, and who files with his application a certificate of such fact under oath, accompanied by a certificate from his employer or employers verifying the same, or who holds a license issued to him under any ordinance of a municipal corporation of this state, shall be entitled to a license without further examination. Any person to whom a license is issued under the provisions of this act shall at the expiration of one year from the date thereof be entitled to a renewal thereof for one year, unless, in the opinion of the district examiner of his district such renewal should be refused, in which event such person shall have the right to appeal to the chief examiner provided for in section 9.

Fees, reports, etc.

SECTION 8. The fee for license and examination shall be $2.00 and the fee for renewal of license shall be $1.00. All fees collected and received by the district examiners from the issue of licenses and the renewal of the same shall be, on or before the 5th day of each month, remitted to the chief examiner at Columbus, together with the monthly report of the business of their offices. Said chief examiner shall pay into the treasury, to the credit of the general revenue fund, all money and fee by him received from the district examiners, and on or before the 10th day of each month, said chief examiner shall file a monthly report with the governor, of the business of his office and the amount of money received by him and paid into the state treasury.

Appeal from decision of district examiner.

SECTION 9. Any person dissatisfied with the action of any district examiner in refusing or revoking license, may appeal to the chief examiner, who shall investigate the action of said district examiner, if, upon such investigation, said chief examiner finds that the district examiner was justified in refusing or revoking such license, he shall sustain the district examiner in his action, but should said chief examiner find that the district examiner was not justified in refusing or revoking such license, he shall order said dis-

ful for any owner or user of any steam boiler or engine, other than those excepted, to operate or cause to be operated such steam boiler or engine without a duly licensed engineer in charge.

Examination; districts.

SECTION 2. For the purpose of facilitating an efficient and thorough examination of engineers throughout the state of Ohio, and to provide for a more adequate protection of life and property, the state is hereby divided into six (6) districts, to be designated by the chief examiner.

Governor to appoint chief examiner.

District examiners.

SECTION 3. The governor of the state of Ohio, with and by the advice and consent of the senate, shall appoint one chief examiner of steam engineers, and said chief examiner of steam engineers, with the approval of the governor, shall appoint six (6) district examiners of steam engineers, provided, however, that not more than three of said examiners so appointed shall be members of any one of the political parties. The chief examiner and district examiners, shall be competent and practical steam engineers, and shall hold their offices for a term of three (3) years from the first day of May, 1900, after their respective appointments, and until their successors are appointed and qualified. The first appointments hereunder shall be made within sixty days from the passage of this act. In case of the resignation, removal or death of the chief examiner, or any district examiner, the vacancy shall be filled in the manner as provided for the original appointments, for the unexpired term only, of the position so made vacant.

Term of office

Qualifications.

SECTION 4. All candidates for chief examiner shall have not less than ten (10) years' experience as a practical steam engineer, previous to his appointment, and all candidates for district examiners shall have had not less than seven (7) years' experience as a practical steam engineer, previous to their appointments.

Duties, bond, salary, etc.

SECTION 5. The chief examiner and district examiners shall give their whole time and attention to the duties of their offices respectively. The chief examiner shall be located at Columbus, and shall have his office in the state house, where shall be kept the records of his office, and for the purpose of keeping such records shall be allowed one clerk at a salary not to exceed $720 per annum, said clerk to be appointed by the chief examiner, with the approval of the governor, and to give a bond in the sum of $1,500. The chief examiner shall issue such instructions, make such rules and regulations for the government of the district examiners, not inconsistent with the powers and duties vested in them by law, as shall secure uniformity of action and proceedings throughout the different districts. The chief examiner shall receive a salary of $1,800 per annum, and the district examiners shall each receive a salary of $1,200 per annum, which salary and all necessary traveling and office expenses incurred by said examiners in the discharge of their duties, shall be paid out of the treasury of the state, from any fund therein not otherwise appropriated,

on the warrant of the auditor, on the presentation to him of the proper vouchers. The chief examiner shall give bond in the sum of $3,000, and said district examiners shall give bond in the sum of $2,000. All bonds required by this act to be given shall be approved by the governor.

License, how obtained.

SECTION 6. Any person who desires to act as a steam engineer, shall make application to any district examiner of steam engineers for a license so to act, upon a blank furnished by the engineer, and if, upon examination, the applicant is found trustworthy and competent, a license shall be granted him, to have charge of, or to operate any steam plant. Such license shall continue in force for one year, unless after proper hearing it is sooner revoked for intoxication or other sufficient cause, the said license to be renewed yearly.

Who entitled to license without examination.

SECTION 7. Any engineer who has been employed continuously as a steam engineer in the state of Ohio for a period of three years next prior to the passage of this act, and who files with his application a certificate of such fact under oath, accompanied by a certificate from his employer or employers verifying the same, or who holds a license issued to him under any ordinance of a municipal corporation of this state, shall be entitled to a license without further examination. Any person to whom a license is issued under the provisions of this act shall at the expiration of one year from the date thereof be entitled to a renewal thereof for one year, unless, in the opinion of the district examiner of his district such renewal should be refused, in which event such person shall have the right to appeal to the chief examiner provided for in section 9.

Fees, reports, etc.

SECTION 8. The fee for license and examination shall be $2.00 and the fee for renewal of license shall be $1.00. All fees collected and received by the district examiners from the issue of licenses and the renewal of the same shall be, on or before the 5th day of each month, remitted to the chief examiner at Columbus, together with the monthly report of the business of their offices. Said chief examiner shall pay into the treasury, to the credit of the general revenue fund, all money and fee by him received from the district examiners, and on or before the 10th day of each month, said chief examiner shall file a monthly report with the governor, of the business of his office and the amount of money received by him and paid into the state treasury.

Appeal from decision of district examiner.

SECTION 9. Any person dissatisfied with the action of any district examiner in refusing or revoking license, may appeal to the chief examiner, who shall investigate the action of said district examiner, if, upon such investigation, said chief examiner finds that the district examiner was justified in refusing or revoking such license, he shall sustain the district examiner in his action, but should said chief examiner find that the district examiner was not justified in refusing or revoking such license, he shall order said dis-

trict examiner to issue a license to the person making such appeal.

Notice.

SECTION 10. It shall be the duty of each district examiner to notify every person operating a boiler or engine in his district mentioned in section 1, and not included in the exceptions therein specified, to apply for a license under this act, and to give such person a reasonable opportunity to take the examination therefor.

Penalties

SECTION 11. Any owner, user, or engineer, who, after being notified, as provided in section 10 of this act violates any of the provisions of this act, shall be fined not more than $100 nor less than $10. The examiners shall give authority, and are hereby empowered to visit any and all engine rooms or boiler rooms in the state, at all reasonable hours.

Exhibition of license.

SECTION 12. It shall be the duty of every engineer to exhibit his license under glass in a conspicuous place in his engine room, and violation of this section shall be punished by a fine not exceeding $5.00.

Repeals.

SECTION 13. That an act passed January 30th, 1885, entitled, "An act authorizing the council of cities and villages to provide by ordinance for the examination, regulation and licensing of stationary engineers and others," be and the same is hereby repealed.

SECTION 14. This act shall take effect an be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 1, 1900. 30G

[Senate Bill No. 67.]

AN ACT

To establish a board of public service in cities of the first grade of the first class, and to amend sections 2205, 2206, 2207 and 2231 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Board of city affairs;

SECTION 1. That section 2205, 2206, 2207 and 2231 of the Revised Statutes of Ohio be amended so as to read as follows:

Election of board of public service in Cincinnati.

Sec. 2205. In cities of the first grade of the first class there shall be a board of public service, composed of five members, electors of such cities, who shall, at the first municipal election following the passage of this act, be elected for a term of three years and who shall hold their offices until their successors have been respectively elected and qualified. At the expiration of the terms of said mem-

bers their successors shall be elected for like terms. Any person elected as a member of said board shall qualify within ten days after his election. Any vacancy in the term of any member shall be filled by appointment by the mayor of such cities for the unexpired term. Vacancies.

Sec. 2206. Each member of such board shall give bond in the sum of one hundred thousand dollars to the approval of the corporation counsel, as to form and sufficiency, endorsed thereon, conditioned for the faithful performance of his duties, with at least three sureties, who, together, shall qualify in writing under oath to three times the amount of such bond, which oath shall be filed with such bond. Bond.

Sec. 2207. The members of the board shall devote their entire time and attention to the duties of their office, and shall each receive an annual salary of four thousand dollars, payable [in] equal monthly installments. Each member shall, in person, supervise the cleaning, repairing and improvement of the streets, avenues, alleys, lanes, public wharves and landings, market houses and spaces, bridges, sewers, drains, ditches, culverts and sidewalks, in one of the districts into which the city shall be divided. Duties mem bers; alary.

Sec. 2231. The board of public service shall have all the powers and perform all the duties heretofore conferred upon, or required of the board of city affairs, created by and under section 2205 of the Revised Statutes of Ohio, as amended by an act entitled: "An act to establish a board of city affairs in cities of the first grade of the first class;" passed March 18th, 1898, and hereafter there shall be no election for members of the board of infirmary directors in such cities. Upon the election and qualification of the board of public service, which shall be considered the successor of the said board of city affairs, the said board of city affairs is hereby abolished. The concurrence of three members of such board shall be necessary for the letting of any contract, or other action of such board. The members of said board of public service, or any of them, may, at any time, be removed from office by the mayor for misfeasance, malfeasance or nonfeasance in office and in no other manner. General powers and duties of board. Removals.

SECTION 2. That the title, chapter 2, of division 7 of title XII of the Revised Statutes, is hereby amended so as to read as follows, towit: "Board of public service." Title of chapter.

SECTION 3. That sections 2205, 2206, 2207, 2231 of the Revised Statutes of Ohio be, and the same are hereby repealed; and that this act shall take effect and be in force from and after its passage. Repeals.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 6, 1900. 31G

[House Bill No. 223.]

AN ACT

To supplement section 4215 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Animals:

SECTION 1. That section 4215 as amended March 30, 1896, be and the same is hereby supplemented as follows:

Licking county. Disposition of surplus of fund created by per capita tax of dogs.

Sec. 4215*a*. In all counties which by the federal census of 1890 had, or which at any subsequent federal census may have, a population of not less than 43,275 nor more than 43,385, if in the fund created by the per capita tax of dogs, after all damages to sheep killed or injured by dogs shall have been paid, at the June session of the county commissioners of said county there remains more than $1,000 of such fund, the excess thereof shall be paid annually to the treasurer of the agricultural society of said county to be expended by said agricultural society in the payment of its present existing indebtedness, for the encouragement of agricultural fairs, the payment of premiums, erection of buildings, and for such other purposes as said agricultural society may direct.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 16, 1900. 32G

[House Bill No. 229.]

AN ACT

To amend section 3991 of the Revised Statutes of Ohio so as to allow certain school districts to issue bonds by submitting the question to a vote of the people.

Be it enacted by the General Assembly of the State of Ohio:

School houses and libraries:

SECTION 1. That section 3991 of the Revised Statutes of the state of Ohio be and the same is hereby amended so as to read as follows:

When and how question of tax-levy submitted to voters.

Sec. 3991. When the board of education of any district determines that it is necessary for the proper accommodation of the schools of such district to purchase a site or sites and erect a school house or school houses thereon, or to do either, or when it shall become known to a board of education that the money provided for the purchase of a site or sites and the erection of a school house or school houses is not sufficient therefor, and such board ascertains that the purchase of such site or sites and the erection and furnish-

ing of such school house or school houses, or either, or the completion of a partially built or unfurnished school house or school houses for which a sufficient sum of money has not been provided, will require a greater tax upon the property of such district than the board is authorized by this title to levy, and that to provide means therefor it will be necessary to issue bonds, it shall make an estimate of the probable amount of money required for such purposes, or either of them, and at a general election, or a special election called for that purpose, shall submit to the electors of the district the question of levying taxes for such purposes or either of them, and the further questions whether the levy shall be made from year to year thereafter, and what amount shall be levied each year until the actual cost of such site or sites, the erection of such school house or school houses, or completion or furnishing or refurnishing of same or either of them, is raised; and ten days' notice of such submission shall be given by the board by posters put up in five of the most public places in the district, which shall state the time, place and object of the election.

Repeals, etc

SECTION 2. That original section 3991 is hereby repealed and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 16, 1900. 33G

[House Bill No. 201.]

AN ACT

To amend section 620 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Justices of the peace:

SECTION 1. That section 620 of the Revised Statutes be amended so as to read as follows:

When justice shall act as coroner.

Sec. 620. When the office of coroner becomes vacant, in any county, by death, resignation, expiration of the term of office, or otherwise, or when the coroner is absent from the county, or unable from sickness or other cause to discharge the duties of his office, any justice of the peace of the county is vested with all the powers, and shall perform all the duties appertaining to the office of coroner, so far as it respects the power and duty of a coroner to hold inquisitions over the dead body of any person found, supposed to have come to his or her death by violence, or casualty; and when acting in the capacity of a coroner, every such justice is entitled to the same fees as are allowed by law to coroners in such cases.

Repeals, etc.

SECTION 2. Said original section 620 be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 16, 1900. 34G

[House Bill No. 110.]

AN ACT

To provide for a commission for the purpose of systematizing and regulating the collection of the fees of county officials.

Be it enacted by the General Assembly of the State of Ohio:

Commission on fees of county officials.

Secretary.

SECTION 1. That the auditor of state, secretary of state and attorney general shall constitute a commission to be known as the "commission on fees of county officials." The auditor of state shall be the chairman of said commission. The commission is hereby empowered to employ a secretary or stenographer, to be paid not to exceed the sum of five dollars ($5.00) per day for the time it is necessary to employ him as such, and within thirty days after the *sine die* adjournment of the session of the legislature passing this act said commission shall proceed to the performance of its duties herein imposed.

Duties.

SECTION 2. It shall be the duty of the commission on fees of county officials, immediately after its organization, to prepare a schedule of fees which the various county officials in the state are legally entitled to charge under the provisions of the statute of the state of Ohio; and the commission shall construe each provision of the statute relative to the fees of county officials, and a separate schedule, together with such construction relative to the fees of each county office, shall be placed in the hands of every county official in the state and said official shall conform thereto.

Biennial report to general assembly.

SECTION 3. It shall be the duty of the commission on fees of county officials to prepare a report of its proceedings every two years, which it shall submit to the general assembly of the state of Ohio, together with its recommendations as to legislation in reference to fees and salaries for county officials.

Penalty for remission or illegal collection of fees.

SECTION 4. Any salaried county official who shall remit any fee or part thereof, and any county official who shall collect fees in any manner or in any amounts other than prescribed by the commission on fees of county officials, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than one hundred dollars, and the person

furnishing the information upon which a conviction results, shall be paid one-half of the fine collected. All prosecutions for the violation of section 2 of this act shall be conducted by the prosecuting attorney of the county in which the offense is committed and he shall receive as his compensation therefor ten per centum of the fines collected. Who shall prosecute.

SECTION 5. This act shall take effect and be in force on and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 16, 1900. 35G

[House Bill No. 525.]

AN ACT

To amend section 1709 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1709 of the Revised Statutes of Ohio, as heretofore amended, be amended so as to read as follows: Officers of cities, etc.:

Sec. 1709. Officers who are elected shall serve two years, except the clerk of the police court, who shall serve three years, except that in cities of the first grade of the first class, the city comptroller shall serve three years, and in cities of the second and third grades of the first class, the city auditor and civil engineer shall serve three years; in cities of the second grade of the first class, the solicitor shall serve four years; in cities of the first and third grades of the first class the solicitor's term is hereby extended to four years from the commencement thereof, and the term of the solicitor shall thereafter be four years. And all officers who are appointed shall serve one year, except as otherwise provided in this title. Terms of officers.

SECTION 2. That said section 1709 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 16, 1900. 36G

Repeals, etc.

SECTION 2. Said original section 620 be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 16, 1900. 34G

[House Bill No. 110.]

AN ACT

To provide for a commission for the purpose of systematizing and regulating the collection of the fees of county officials.

Be it enacted by the General Assembly of the State of Ohio:

Commission on fees of county officials.

SECTION 1. That the auditor of state, secretary of state and attorney general shall constitute a commission to be known as the "commission on fees of county officials." The auditor of state shall be the chairman of said commission.

Secretary.

The commission is hereby empowered to employ a secretary or stenographer, to be paid not to exceed the sum of five dollars ($5.00) per day for the time it is necessary to employ him as such, and within thirty days after the *sine die* adjournment of the session of the legislature passing this act said commission shall proceed to the performance of its duties herein imposed.

Duties.

SECTION 2. It shall be the duty of the commission on fees of county officials, immediately after its organization, to prepare a schedule of fees which the various county officials in the state are legally entitled to charge under the provisions of the statute of the state of Ohio; and the commission shall construe each provision of the statute relative to the fees of county officials, and a separate schedule, together with such construction relative to the fees of each county office, shall be placed in the hands of every county official in the state and said official shall conform thereto.

Biennial report to general assembly.

SECTION 3. It shall be the duty of the commission on fees of county officials to prepare a report of its proceedings every two years, which it shall submit to the general assembly of the state of Ohio, together with its recommendations as to legislation in reference to fees and salaries for county officials.

Penalty for remission or illegal collection of fees.

SECTION 4. Any salaried county official who shall remit any fee or part thereof, and any county official who shall collect fees in any manner or in any amounts other than prescribed by the commission on fees of county officials, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than one hundred dollars, and the person

furnishing the information upon which a conviction results, shall be paid one-half of the fine collected. All prosecutions for the violation of section 2 of this act shall be conducted by the prosecuting attorney of the county in which the offense is committed and he shall receive as his compensation therefor ten per centum of the fines collected. Who shall prosecute.

SECTION 5. This act shall take effect and be in force on and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 16, 1900. 35G

[House Bill No. 525.]

AN ACT

To amend section 1709 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1709 of the Revised Statutes of Ohio, as heretofore amended, be amended so as to read as follows: Officers of cities, etc.:

Sec. 1709. Officers who are elected shall serve two years, except the clerk of the police court, who shall serve three years, except that in cities of the first grade of the first class, the city comptroller shall serve three years, and in cities of the second and third grades of the first class, the city auditor and civil engineer shall serve three years; in cities of the second grade of the first class, the solicitor shall serve four years; in cities of the first and third grades of the first class the solicitor's term is hereby extended to four years from the commencement thereof, and the term of the solicitor shall thereafter be four years. And all officers who are appointed shall serve one year, except as otherwise provided in this title. Terms of officers.

SECTION 2. That said section 1709 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 16, 1900. 36G

[House Bill No. 204.]

AN ACT

To provide for the guarding of machinery.

Be it enacted by the General Assembly of the State of Ohio:

Protection against injury by machinery.

SECTION 1. That owners and operators of factories and workshops, which terms shall mean all manufacturing, mechanical, electrical and mercantile establishments, and all places where machinery of any kind is used or operated, shall take ordinary care, and make such suitable provisions as to prevent injury to persons who may come in contact with any such machinery, or any part thereof; and such ordinary care and such suitable provisions shall include the casing or boxing of all shafting when operating horizontally near floors, or when in perpendicular or other position operating between, from, or through floors, or traversing near floors, or when operating near passageway, or directly over the heads of employes; the enclosure of all exposed cogwheels, flywheels, bandwheels, all main belts transmitting power from engine to dynamo, or other kind of machinery, and all openings through floors, through, or in which such wheels or belts may operate, with substantial railing; the covering, cutting off, or countersinking of keys, bolts, set-screws, and all parts of wheels, shafting, or other revolving machinery, projecting unevenly from and beyond the surface of such revolving parts of such machinery; the railing in all unused elevator openings, the placing of automatic gates or floor doors, and the keeping of same in good condition, on each floor from which and where on each side, or sides, of elevator openings, entrance to the elevator carriage is obtained, the frequent examination and keeping in sound condition of ropes, gearing, and other parts of elevators, the closing of stair openings on all floors, except where access to stairs is obtained, and the railing of stairs between floors, the lighting of hallways, rooms, approaches to rooms, basements and other places wherein sufficient daylight is not obtainable; the guarding of all saws and other wood-cutting and wood-shaping machinery, providing shifters for shifting-belts, and poles and other appliances for removing and replacing belts on single pulleys, and adjusting runways, and staging used for oiling and other purposes, more than five feet from floors with hand-railing, and providing counter shafting with tight and loose pulleys or such other suitable appliances, in each room, separate from the engine room, for disconnecting machinery from other machinery when in operation.

Penalty.

SECTION 2. Any owner or operator of a factory or workshop, as defined in section one of this act, who violates any of the provisions of said section, shall be fined for the first offense not exceeding one hundred dollars, and for every subsequent offense not less than fifty dollars nor more than five hundred dollars.

Power of inspector of workshops and factories to enforce this act.

SECTION 3. The chief inspector or any district inspector of workshops and factories, who shall obtain knowledge of violation of the provisions of section one of this act, is hereby authorized whenever he may deem it advisable to paste upon any machine, device, elevator, utensil, structure or machinery, or part of machinery of any kind, a notice stating that such machine, device, elevator, structure or machinery, or part of machinery of any kind, is dangerous to use or operate, and that operatives or employes are liable to injury by its use or operation, and such notice shall designate and describe the alteration or other change necessary to be made in order to insure safety of operation, the date of inspection and the time allowed for such alteration or change to be made, and no such machine, device, elevator, utensil, structure or machinery of any kind, shall be used or operated after such notice is posted thereon, until such change or alteration is made to the satisfaction of the inspector having made such recommendation.

Penalty for violation of section 3 of this act.

SECTION 4. Any such owner or operator of a factory or workshop who violates any of the provisions of section 3 of this act shall be fined for the first offense not less than twenty-five nor more than one hundred dollars, and for every subsequent offense, not less than fifty nor more than five hundred dollars.

Who shall prosecute.

SECTION 5. It shall be the duty of the chief inspector and any district inspector of workshops and factories to prosecute all violations of the provisions of this act.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 20, 1900. 37G

[House Bill No. 256.]

AN ACT

To authorize township trustees to designate and pay police constables.

Be it enacted by the General Assembly of the State of Ohio:

Constables and their duties: Township trustees may designate police constables.

SECTION 1. That section 6688*a* shall read as follows:

Sec. 6688*a*. The trustees of any township in this state are hereby authorized to designate any duly elected and qualified constable as police constable. Said trustees may pay said police constable out of the general funds of the township not to exceed one dollar and fifty cents per day for the time actually spent in keeping the peace, protecting property and performing his duties as police constable as required by law, but he shall not be paid under this section

for services for which the statute elsewhere provides a fee. The said police constable shall file an itemized bill of his expenses and services with the trustees before the same can be allowed and paid.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 20, 1900. 38G

[House Bill No. 67.]

AN ACT

To amend section 5521 of the Revised Statutes, as amended April 26, 1898 (93 O. L., 318).

Be it enacted by the General Assembly of the State of Ohio:

Grounds of attachment:

SECTION 1. That section 5521 of the Revised Statutes, as amended April 26, 1898 (93 O. L., 316), be so amended as to read as follows:

Grounds upon which plaintiff may have attachment.

Sec. 5521. That in a civil action for the recovery of money the plaintiff may, at or after the commencement thereof, have an attachment against the property of the defendant upon the grounds herein stated.

1. When the defendant, or one of several defendants, is a foreign corporation, except as provided by an act entitled "An act to further supplement section 148 of the Revised Statutes," passed May 16, 1894 (91 O. L., 272), and except as provided by an act entitled "An act to amend section 1 of an act," etc., passed May 19, 1894 (91 O. L., 355); or a non-resident of this state; or,

2. Has absconded with the intent to defraud his creditors; or

3. Has left the county of his residence to avoid the service of a summons; or

4. So conceals himself that a summons cannot be served upon him; or

5. Is about to remove his property, or a part thereof, out of the jurisdiction of the court, with the intent to defraud his creditors; or

6. Is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or

7. Has property or rights in action, which he conceals; or

8. Has assigned, removed, disposed of, or is about to dispose of, his property, or a part thereof, with the intent to defraud his creditors; or

9. Has fraudulently or criminally contracted the debt, or incurred the obligations for which suit is about to be or has been brought; or

10. That the claim is for work or labor, or for necessaries.

But an attachment shall not be granted on the ground that the defendant is a foreign corporation or a non-resident of this state, for any claim other than a debt or demand arising upon contract, judgment or decree, or for causing death or a personal injury, by a negligent or wrongful act.

Repeals.

SECTION 2. That said section fifty-five hundred and twenty-one (5521) of the Revised Statutes, as amended by the act passed April 26, 1898, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 20, 1900. 39G

[House Bill No. 60.]

AN ACT

To make appropriations.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for John P. Larimer.

SECTION 1. That there be, and is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the following sums for services rendered the state of Ohio, viz.: To John P. Larimer, one hundred and twenty-three dollars and eleven cents ($123.11), cost bill for depositions taken in behalf of the state in the case of the state of Ohio ex rel. F. S. Monnett vs. James B. Leeper, auditor of Holmes county, Ohio.

SECTION 2. This act shall take effect and be in force on and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 21, 1900. 40G

[House Bill No. 234.]

AN ACT

To amend section 6 of an act entitled "An act to create and establish a state board of health in the state of Ohio," passed April 14, 1886. (O. L. 83, p. 77).

Be it enacted by the General Assembly of the State of Ohio:

State board of health:

SECTION 1. That section 6 of an act entitled "An act to create and establish a state board of health in the state of Ohio," passed April 14, 1886, be amended so as to read as follows:

Meetings of board; conduct of their business.

Sec. 6. The first meeting of the board shall be within thirty days after their appointment, and thereafter in January of each year, and at such other times as the board shall deem expedient. The meeting in January of each year shall be in Columbus. A majority shall constitute a quorum. They shall choose one of their number to be president, and they may adopt rules and by-laws for their government, subject to the provisions of this act.

Repeals, etc.

SECTION 2. That section 6 of an act entitled "An act to create and establish a state board of health in the state of Ohio," passed April 14, 1886, be, and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 21, 1900. 41G

[House Bill No. 273.]

AN ACT

To supplement section 5244 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Competency of testimony:

SECTION 1. That section 5244 of the Revised Statutes of Ohio be supplemented as follows:

Revised statutes 'Bates', in use in present general assembly may be read in evidence.

Sec. 5244*a*. That the Revised Statutes now in use in both branches of the present legislature, and all amendments thereto, shall be read in evidence in all courts of justice, and in all proceedings before any officer, board or body in this state, and be as good, effectual and available in law as if the original was then and there produced.

SECTION 2. This act shall take effect on its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 21, 1900. 42G

[House Bill No. 177.]

AN ACT

To amend section 443-2 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Supreme court:

SECTION 1. That section 443-2 of the Revised Statutes of Ohio be amended so as to read as follows:

Salary of stenographer.

Sec. 443-2. The official stenographer appointed under this act shall receive a salary to be fixed by the supreme court, but in no event to exceed the amount of twelve hundred dollars ($1,200), which shall be paid in monthly installments, out of the state treasury, upon the certificate of the chief justice.

Repeals.

SECTION 2. That said original section 443-2 of the Revised Statutes, as passed April 23, 1898, be and the same is hereby repealed.

SECTION 3. This act to take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 21, 1900. 43G

[House Bill No. 490.]

AN ACT

To amend sections 621, 621-1, 621-2, 621-3, 621-4, 621-5, 621-6, 621-7, 6549-5 and 6564 of the Revised Statutes of Ohio, as enacted April 25th, 1898 (93 O. L., 322), and to enact supplemental sections 621-8 to 621-31, both inclusive, relative to justices' courts and city and justice courts.

Be it enacted by the General Assembly of the State of Ohio:

Justices of the peace:

SECTION 1. That sections 621, 621-1, 621-2, 621-3, 621-4, 621-5, 621-6, 621-7, 6549-5 and 6564, of the Revised Statutes of Ohio, as enacted April 25th, 1898 (93 O. L., 322) be amended and further supplemented so as to read as follows:

Judges and justices of the peace in Toledo; election; terms; jurisdiction; powers, duties, etc.

Section 621-1. In all cities of the third grade of the first class and township lying wholly therein, the boundaries whereof are or hereafter shall be concurrent with the boundaries of such city, there shall be three judges and justices of the peace in and for said cities and townships. They shall be elected at the regular municipal election of said cities in the same manner, and shall hold their office for the same term, possess the same jurisdiction, powers, duties and liabilities, and be subject to the same qualifications and disqualifications as justices of the peace for townships.

Justices in office at time of passage of act.

Section 621-2. The justices of the peace for said townships, in office at the time this act shall take effect, shall con-

tinue to hold their offices under the provisions of this act for the term for which they were elected.

When successors to be elected; terms; number of judges and justices.

Section 621-3. In all such cities and townships, where there are more present incumbents of said office than the number to be hereafter elected, no election shall be held for judge and justices of the peace therein, until in the year when by expiration of their terms of office the number of justices of the peace thereof would, if no election were held, be reduced to less than three and in said year, there shall be elected such number that thereafter there shall be but three judges and justices of the peace of the city and justice court; and said judges and justices of the peace shall, immediately after their election, enter upon the discharge of the duties of their office and their successors shall be elected for the full term of three years, at the annual municipal election in the years in which the term of office of said judges and justices of the peace expire, and every three years thereafter.

Vacancies, how filled.

Sec. 621-4. If any vacancy occur therein, the same shall be filled in the same manner as is now provided by the general statutes of this state, for filling vacancies in the office of justice of the peace.

Files, records and dockets.

Sec. 621-5. The files, records and dockets belonging to or appertaining to those offices of justice of the peace, who come under the provisions of this act, shall belong to, and be filed and safely kept in the clerk's office hereinafter mentioned.

Court rooms; private rooms; office for clerk; jury room.

Sec. 621-6. The common council in each of such cities, shall provide a suitable court room for the accommodation of each of said judges and justices of the peace of the city and justices court, and an office for the clerk, hereinafter mentioned, also one jury room; all of which offices and rooms shall be contiguous to each other.

Dockets, books, directory, statutes, blanks, stationery, furniture, fuel, etc.

Sec. 621-7. They shall further provide the necessary dockets, books, including the city directory, the Revised Statutes of Ohio, Swan's Treatises, Justice Codes, a complete set of Ohio and Ohio State Reports, the Circuit Court reports of Ohio, Weekly Law Bulletin Reports, Welch's Digest, Bates' Digest, the Ohio Code of Evidence, Greenleaf on Evidence, Jones on Evidence, all necessary book labels, annotation slips, suitable book cases for said books, blanks, stationery, furniture, fuel, light, typewriting machine and telephone for the use of said city and justice court.

Preference to be given to offices in court-house.

Sec. 621-8. If in any such city there is situated a county court house, and the rooms and offices above mentioned can be obtained therein at a reasonable rental, said court shall be located therein, and the furniture and furnishings of said city and justice court shall be up to the same standard, and in keeping with the furnishings of said court house.

Compensation of judges and justices.

Sec. 621-9. Each of said judges and justices of the peace shall be entitled to receive from the treasury of said city, an annual salary of eighteen hundred ($1,800.00) dol-

lars per annum, payable in monthly installments from the treasury of said city.

Office hours of judges and justices and clerk.

Sec. 621-10. Each of said judges and justices shall have his court room open, and he shall be in attendance to the duties of his office therein, at least from nine o'clock in the morning until twelve o'clock noon, and from two o'clock until five-thirty o'clock in the afternoon; and the clerk's office shall be open continuously from eight-thirty o'clock in the morning until five-thirty o'clock in the afternoon of each day, except Sundays and all legal holidays.

Clerk; term and appointment.

Sec. 621-11. In each of said cities there shall be appointed one clerk; to be known as the clerk of the city and justice court. He shall be an elector of such city, and shall be appointed triennially after the municipal election, and on or before the first day of May, in said year, by the judges and justices of the peace of said city and justice court, a majority of whom shall be necessary to make such appointment. His term of office shall commence on the first day of May in said year, and continue three years, and said clerk shall hold his office until his successor is appointed and qualified.

Vacancies in office of clerk.

Sec. 621-12. If any vacancy occur in the office of clerk by death, removal, resignation or otherwise, said vacancy shall be filled in the manner provided for the appointment of said clerk, and the person so appointed shall fill out said unexpired term.

Appointment of successor.

Sec. 621-13. If for any other reason than a vacancy in said office, there is no clerk of said city and justice court, the judges and justices of the peace thereof shall appoint an elector of such city, clerk of said court, who shall hold his office until after the municipal election next ensuing and until the first of May next thereafter; but after said municipal election, and on or before the first day of May in said year, his successor shall be appointed for the full term of three years, commencing on said first day of May.

When for any reason said clerk can not be appointed, how office filled.

Sec. 621-14. If for any reason said clerk cannot be appointed in the manner hereinbefore stated, then said clerk shall be elected at the first annual municipal election ensuing, for the full term of three years; and shall be elected at the municipal election triennially thereafter; and for and during any interval of time that said court is without a clerk and so long as it shall continue said justices of the peace and judges and justices of the peace of said city and justice court shall perform the same duties, in the same manner, and with like effect, now required to be performed by justices of the peace in townships throughout this state, the same as if said clerk and his deputies had not been provided for herein, and they shall be allowed to employ three clerks, one at a salary of fifteen hundred ($1,500.00) dollars, and two at a salary of six hundred ($600.00) dollars, each per annum, which sums shall be paid in monthly installments from the treasury of said city.

When justice may act as clerk.

Sec. 621-15. Any act or duty required by the general statute law of this state to be done or performed by justices of the peace for townships, and which is by the provisions of this act required or authorized to be done and performed by said clerk, if for any reason said clerk or his deputies cannot do or perform the same, then, in such event, any justice of the peace of said city and justice court, may perform the same, in the same manner and with like effect as justices of the peace for townships.

Bond of clerk.

Sec. 621-16. Before entering upon the duties of his office, said clerk shall make and file in the office of the clerk of said city, a bond in the penal sum of three thousand ($3,000.00) dollars, with two or more sufficient sureties, to be approved by the common council of such city, conditional that the said clerk shall monthly well and truly pay to said city treasurer, all moneys received by him as said clerk, for the use of said city, and to pay any other moneys received by him, as such clerk, to the parties entitled thereto, and otherwise fully and faithfully discharge all the duties of said office.

Compensation of clerk.

Sec. 621-17. The clerk of said court shall receive an annual salary of fifteen hundred ($1,500.00) dollars per annum, payable in monthly installments from the treasury of said city; and he shall also receive as compensation for his services, five (5) per centum of all fees collected and paid over by him to said city, to be retained and deducted by him from the money before paying it over.

Deputy clerks: appointment.

Sec. 621-18. The clerk of said city and justice court shall have the power to appoint two deputies, who shall be electors of said city, and may revoke such appointment at pleasure; which appointment and revocation shall be operative from the time of the filing of the certificate thereof in said clerk's office.

Powers.

Sec. 621-19. Such deputies shall be authorized to administer oaths and take affidavits, and perform generally the duties of said clerk.

Salary.

Sec. 621-20. Such deputies shall each receive as compensation for their services, the sum of six hundred ($600.00) dollars per annum, payable monthly from the treasury of said city.

Bond.

Sec. 621-21. The said clerk may require of each of said deputies a good and sufficient bond, with such surety or sureties, in such amount, and with such conditions, as he may think proper.

Duties of clerk.

Sec. 621-22. It shall be the duty of said clerk to court, and of the proceedings therein [of said city and justice court, and of the proceedings therein] of each of said judges and justices of the peace, and enter all judgments in the docket of the judge and justice of the peace rendering the same, in the time and manner provided by law; and, after such entry, each judgment shall be signed by the judge and justice by whom it was rendered. The said clerk shall

also file and safely keep all papers and books belonging to or appertaining to said court, and enter on a book provided for that purpose, a list of the names of all jurors that sit on the trial of cases before the said judges and justices, with the names arranged in alphabetical order, together with the date or dates that each juror so sat, with a reference to the page of the docket where the proceedings of the trial are entered; he shall also make all writs returnable to said court, and assign said causes before said judges and justices in regular rotation.

Disposition of costs, fines and dues.

Sec. 621-23. The clerk shall also receive and collect all costs, fines and dues of every description, which are provided by law in all proceedings in said city and justice court, which shall be the same as those provided by the general statutes of this state in justice courts; and shall pay the same monthly to the treasurer of said city and take his receipt therefor. He shall keep a book showing all receipts and disbursements, which shall be open to public inspection at all times; and shall make a report of all receipts and disbursements to the city auditor on the first Monday of each month, for the intervening period.

Powers of clerk.

Sec. 621-24. The clerk shall have power generally to administer oaths and take affidavits, to issue executions upon any judgment upon the docket of any justice of the peace, whose docket is turned over to him, and who comes under the provisions of this act; he shall have the power to issue executions upon any judgment rendered in said court, and he may issue executions upon any judgment in said court for any unpaid costs; he shall have power to issue and sign all writs, affidavits, complaints, processes and papers, issuing in or out of said court, and attach the seal of said court thereto; and when so issued and signed by him, it shall have the same force and effect as the issuing and signing of the same by a justice of the peace has heretofore had in townships, except as to appeal bonds, appeal undertakings and bills of exceptions; he shall issue and sign the venire and summons for all jurors and juries in said court, and when so issued and signed by him it shall have the same force and effect as when issued and signed by justices of the peace of townships; he shall have power and in the same manner and with like effect to deputize any person to serve a summons, process, paper, or writ, issuing in or out of said court, or required to be served in any action, prosecution or proceeding in said court, that justices of the peace have heretofore had in townships; he shall have power the same as justices of the peace of townships have, to approve all bonds, recognizances and undertakings, heretofore required to be approved and signed by a justice of the peace, except as to any bond or undertaking for appeal; and when signed and approved by said clerk it shall have the same force and effect as it heretofore has had when approved and signed by justices of the peace of townships.

In bastardy cases and proceedings, and in all criminal cases and proceedings in said court, the affidavits, complaints, and all affidavits, writs, processes or papers, therein, shall be made before said clerk, and when so made before said clerk it shall have the same force and effect that it has had in townships when made before a justice of the peace.

Appeal bonds, bills of exceptions, etc.

Sec. 621-25. Appeal bonds, appeal undertakings, and bills of exception need not be approved, signed or sealed, [signed] by said clerk; but the same shall be approved, signed and allowed in the same manner as is now provided by the general statutes of this state governing justice courts.

Fees to be charged.

Sec. 621-26. In all civil actions, matters, prosecutions, proceedings, and criminal cases, which shall be commenced in said city and justice court, the same fees and costs which are now allowed by the general statute of this state, before justices of the peace, shall be taxed and charged.

When fees to be paid in advance.

Sec. 621-27. Before said clerk or said judges and justices of the peace can be required to perform any service, specified by law, they may in their discretion require that the fees and costs, now allowed by law under the general statutes of this state, to justices of the peace for like services, shall be paid or tendered to said clerk or into said court. The money so paid to said clerk or into said court, shall be for the use of said city and be disposed of by him according to law.

Fees to be taxed in costs.

Sec. 621-28. If plaintiff in any case recover judgment, he shall be entitled to have taxed as his costs, the fees and costs allowed by law in actions before justices of the peace for townships, including therein any constable, witness, attendance or jury fees. If any defendant obtain judgment in such cause, the same fees and costs shall in like manner be taxed against the plaintiff, and in favor of said defendant.

Party demanding jury to advance fees.

Sec. 621-29. If any party demand a jury in said court, he shall advance the fees therefor, in the manner provided by the general statutes of this state governing justice courts; and the same shall be disposed of by said clerk in the manner provided by law. The sum or sums so paid shall be taxed as costs of suit in the manner provided by the general statute law of this state governing justice courts.

Certain fees of justices and constables unaffected by this act.

Sec. 621-30. This act shall in no way affect the fees to which justices of the peace may be entitled on the performance of marriage ceremonies, taking acknowledgments and administering oaths in matters not connected with any litigation in said court; nor shall it affect the fees to which constables are entitled, or the present method of paying them.

Seal of clerk of city and justice court.

Sec. 621-31. The clerk of said city and justice court shall have a seal, which shall have engraved thereon the coat of arms of the state, as described in section 15 of the Revised Statutes of the state, and shall be one and three-fourths inches in diameter, and shall be surrounded by these

words: "The city and justice court of the city of....., and township of....., in the county of....., and state of Ohio," (insert the name of the proper city, township and county), but shall not have any other words or devices engraved thereon.

Fees of justices of the peace.

Sec. 621. Except as hereinafter provided, justices of the peace, for services rendered, shall be entitled to the following fees: For summons for each defendant named in the writ, twenty-five cents; for order of arrest, capias, writ of attachment, writ of replevin or mittimus, forty cents; for issuing subpoena, five cents; for venire for jury, forty cents; for issuing execution, forty cents; for warrant in criminal cases, for each person named in the writ, forty cents; for each search warrant, forty cents; for writ of restitution, forty cents; for taking and certifying affidavit, forty cents; for order on jailer for prisoner or prisoners, forty cents; for entering a discontinuance or satisfaction, twenty cents; for entering bond or undertaking by either party, forty cents; for filing papers necessary to be preserved by justice, five cents each; for each recognizance of bail in civil causes, forty cents; for bill of exceptions and copy, fifteen cents for each one hundred words; for certifying the same, twenty-five cents; for transcript from docket, fifteen cents per hundred words, and for certifying the same, twenty-five cents; for appointing guardian for minor to prosecute suit, twenty-five cents; for appointing special constables or appraisers, forty cents each; for taking recognizance of a witness, forty cents; for each additional witness, ten cents; for each recognizance of bail in criminal causes, forty cents; for each continuance or adjournment by either party, twenty cents; for entering a rule of reference or copy thereof, fifteen cents; for swearing witnesses or arbitrators, five cents each; for entering judgment, forty cents; for acknowledging deeds or other instruments of writing with a certificate thereon, forty cents; for sitting in trial of any cause, civil or criminal, where a defense is interposed, whether tried to the justice or to a jury, one dollar; for judgment on docket, fifteen cents; for collections made upon judgments, if not paid within ten days after rendition of same, or within ten days after stay of execution, if such stay is taken, the same fees as are allowed by section 622 of the Revised Statutes to constables for money paid on execution; for taking depositions and certifying the same, ten cents per hundred words; for marrying and making return, two dollars; for taking and certifying proof of any account of claim against the estate of testators or intestates, twenty-five cents; for each process required by law not herein named, forty cents; for each writing or record not herein provided for, fifteen cents per hundred words; and all justices of the peace and notary publics shall, upon request, administer and certify to all oaths required in the procurement of bounties and pensions and payment of pensions, and they shall be entitled to

charge and receive for each oath so administered and certified the sum of ten cents.

Drawing juries.

Sec. 6549-5. Whenever the clerk of any county shall be directed by the order of any city and justice court, in a city of the third grade of the first class, and in the township or townships therein, or any judge or justice of the peace thereof to cause any number of persons to serve as jurors in such court, he shall at once, in the presence of the sheriff, and the court of common pleas, or a judge thereof, proceed to turn the wheel until said pieces of paper are thoroughly mixed, and shall then draw therefrom the number of names specified in such order, and as said names are drawn from said wheel shall write them down in the order in which they are drawn, and number them; the first name drawn shall be number one, the second name drawn shall be number two, and so on to the end, and shall forthwith, unless otherwise directed by said court or judge, certify the names of the persons so drawn to the clerk of the city and justice court, preserving the same order and arrangement above specified, and the persons so selected shall be summoned to appear to serve as jurors in said city and justice court at such times as may be directed by a judge and justice of the peace thereof, in the same manner that jurors are now summoned in justice courts before a justice of the peace, except that the venire and summons shall be issued and signed by the clerk of said city and justice court and shall have attached thereto the seal of said court; provided, however, no person shall be compelled to serve as juror in said court more than six times in any one year; nor shall a person summoned but who does not sit as a juror in the trial of a cause, be entitled to a jury fee; he shall, however, be entitled to an attendance fee of fifty cents therefor, which shall be in full for his services attending said court, to be taxed as a part of the costs against the losing party. Upon a demand made for a jury for the trial of a cause in said court, the clerk of said city and justice court, or the justice of the peace before whom said cause is for trial, shall commence at the top of said list at number one, and shall write in a panel the first eighteen names upon said list, preserving the same numbering and numerical order in which they stand upon said jury list, from which the defendant, his agent or attorney, shall strike one name; the plaintiff, his agent or attorney, one, and so alternately, until each shall have stricken six names, and the remaining six shall constitute the jury to try such cause; and if either party neglect or refuse to aid in striking the jury as aforesaid, the clerk of said city and justice court, or the justice, shall strike the same in behalf of such party. In selecting succeeding juries in said court, for the trial of causes, the same method shall be followed, except in writing the names in the panel, said clerk or justice shall commence where the preceding panel of eighteen names ended, and write the eighteen names next succeeding the former panel; and so continue down the

Limits of service of juror.

Persons not entitled to jury fee.

Attendance fee.

Summoning jurors.

list in this order, in each cause, to the bottom of the list and complete any such uncompleted panel at the bottom of the list from the top of the list, as in an endless chain, and proceed down the list as before and so continue in all causes in which juries are demanded, as in an endless chain. All the persons named in said jury list drawn from said wheel, except the eighteen names in the panel from which the jury is struck, shall be talesmen. At the time of summoning said jury of six, the three persons named on said jury list next succeeding said panel of eighteen, may be summoned to act as talesmen; and if said three talesmen are summoned, and if all of said six jurors do not attend, or the number is reduced below six by challenge or otherwise, said clerk or justice shall first call said three talesmen in the order in which their names stand upon said jury list for the purpose of completing said jury; and if said jury is still incomplete, the justice, to complete said jury, may call any talesmen whose names are on said jury list; and if from challenge or other cause, the panel shall not be full, after having exhausted said jury list of talesmen, said justice may select and fill the same with a sufficient number of persons having the qualifications of electors to make up the deficiency, and said persons shall be summoned to appear in said court in the same manner that jurors are summoned in justice courts, but no person in or about the building in which said court is held shall be so selected. If, after said jury is summoned, either party request a continuance or adjournment of the trial of said cause to a different day than that set for the trial thereof, and if the court is of the opinion that the same ought to be granted, before the court shall grant the same, said party shall first pay an attendance fee of fifty cents to each juror so summoned, and shall pay a like fee to each juror so summoned in case of each like continuance or adjournment thereof; which shall be in full for said juror's services attending said court on said day, but no juror summoned shall be entitled to any such attendance fee unless he has actually attended court for the trial of said cause on the day for which he is allowed compensation. All the persons called as jurors in the city and justice court, shall be subject to the same challenges now allowed by the general statute law of this state in justice courts. If any such city shall change its grade or class the provisions of an act passed April 25th, 1898, (93 O. L., 322,) as amended herein, shall continue to apply to such city notwithstanding such change of grade or class. The general statute law of this state relative to justice courts shall apply in cities of the third grade of the first class, and townships lying wholly therein, the boundaries whereof are or hereafter shall be concurrent with the boundaries of such city, except in so far as it is inconsistent with the provisions of an act passed April 25th, 1898, (93 O. L., 322), as amended herein.

Talesmen.

Continuance or adjournment.

Challenges.

Sec. 6564. Upon the verdict being delivered to the justice and before judgment rendered thereon, each juror shall be entitled to receive seventy-five cents per day for

Jury fees, how paid.

each day's service as such juror, at the hands of the successful party, which shall be taxed in the costs against his adversary; when the jury shall not be able to agree upon a verdict, the same compensation shall be paid them by the party calling the jury, and the same shall be taxed in the costs bill against the losing party, except as hereinafter provided; provided, however, that in all cities of the third grade of the first class, and in the township or townships therein having a city and justice court, the judges of which are justices of the peace, each juror shall be entitled to receive one dollar per day for each day's service as such juror, but no juror shall be paid a jury fee for mere attendance at said court, but he must have been sworn and actually sat as a juror in the trial of a cause on the days for which he is allowed compensation, and a person who is summoned as a juror and attends, but who does not sit as such, shall be entitled to fifty cents, which shall be in full for his services attending said court, and shall be taxed as a part of the costs against the losing party, and paid as a part of said jury fee aforesaid in the same manner.

Jury fees in Toledo.

Repeals, etc.

SECTION 2. That original sections 621, 621-1, 621-2, 621-3, 621-4, 621-5, 621-6, 621-7, 6549-5 and 6564, of the Revised Statutes of Ohio, as enacted April 25th, 1898 (93 O. L., 322), be and the same are hereby repealed, and all acts and parts of acts in so far only as they are inconsistent with the provisions of this act, in so far as they relate to or affect such city of the third grade of the first class and townships therein, and to the extent of such inconsistency only, be and the same are hereby declared null and void; and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 21, 1900. 44G.

[Senate Bill No. 214.]

AN ACT

To authorize certain cities to borrow money for the purpose of providing such cities with pure water, and to effect that purpose to amend and to supplement section 2411 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Waterworks:

SECTION 1. That section 2411 of the Revised Statutes of Ohio be amended and supplemented with a supplemental section so that said section 2411, as amended, and said supplemental section, to be numbered section 2411*a*, shall read as follows:

Assessment and collection of water rents; Cincinnati.

Sec. 2411. For the purpose of paying the expenses of conducting and managing the water works and also for the purpose and in the manner set out and provided in section 2411*a* of the Revised Statutes of Ohio, the trustees or board shall have the power to assess and collect from time to time a water rent of sufficient amount, in such manner as they may deem most equitable, upon all tenements and premises supplied with water; and where more than one tenant or water taker is supplied with water from one hydrant or off the same pipe, and when the assessments therefor shall not be paid when due, the board shall look directly to the owner of the property for the entire rent or so much therefor [thereof] as remains unpaid for water furnished said premises, to be collected in the same manner as other city taxes, except that in cities of the first grade of the first class, the board of administration may provide for assessing the cost and expenses of laying or extending water mains upon the lots or lands bounding or abutting upon the streets, lanes, alleys, highways, market spaces, public landings and in commons in or along which such water mains are laid or extended by the foot front according to the valuation of the same on the tax list or according to the benefits as they shall determine.

Cities of third grade, second class, council may issue bonds for establishment of filtration plant.

Sec. 2411*a*. The council of any city of the third grade of the second class in which public water works have been constructed is authorized and empowered to issue bonds of said city in any amount not exceeding sixty-two thousand five hundred dollars ($62,500), for the purpose of purchasing ground, erection of buildings, and the purchase and installation of machinery necessary for the providing for said city a suitable filtration plant, approved by the state board of health, in connection with its water works then already constructed, and for the purpose of making such additions to said water works already constructed as may be necessary or proper for so providing filtered water; and contracts may be made and the moneys so borrowed may be expended for all or any of the purposes aforesaid according to law. Such bonds shall be in denominations of not less than five hundred dollars ($500) and of not more than one thousand dollars ($1000) each, and shall be payable as the council shall determine, not later than thirty (30) years from date, and shall bear interest not exceeding the rate of five (5) per centum per annum, interest payable semi-annually. They shall be signed by the mayor and the city clerk of said city, and be sealed with the seal of the corporation, and shall be advertised and sold for not less than par and in the manner provided by law for the sale of municipal bonds, and the proceeds of the sale thereof shall be applied exclusively to the purposes for which said bonds shall be issued. For the purposes of paying the principal and interest of any bonds issued under the authority of this act as they may mature, all and both of which shall be considered and treated as expenses of operation, a sufficient sum shall from time to time be appropriated from and

Denomination, time to run, etc.

Provisions for payment.

paid out of the revenues derived from the water works of said city and the operation thereof, including the water works filtration plant, the erection of which is by this supplemental section provided for, and no tax shall be levied on the general tax duplicate therefor. Said trustees shall also, from the revenues derived from said water works, provide and set apart a sinking fund for the purpose of paying said bonds at maturity, which fund shall consist of not less than five thousand dollars ($5,000) each year, and said funds so set apart shall be used for no purpose other than the payment of said bonds; provided however, that before any bonds are issued as provided in this section, the question of issuing bonds shall be submitted to the voters of such city at a general or special election, and the council of any such city before the submission of said question to a vote, shall by resolution declare it necessary to issue and sell the bonds of such city for the purposes herein mentioned, in the amounts specified in such resolution, and shall by such resolution fix a date upon which the question of issuing and selling such bonds shall be submitted to the electors of such city, and shall cause a copy of such resolution to be certified to the board of election in such city, and such board of election, within ten days afterwards, shall proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of such city at the time fixed in said resolution. Such election shall be held at the regular places of voting in such city, and shall be conducted, canvassed and certified in the same manner except as otherwise provided by law, as April elections in such city for the election of officers thereof. Ten days' notice of the submission shall be given in one or more newspapers printed in such city, once a day for ten days, stating the amount of bonds to be issued, and the time and places of holding the election; and if a majority of the voters voting at such election upon the question of issuing the bonds, vote in favor thereof, then and not otherwise the bonds shall be issued and the tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots, "For the issue of bonds," and those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds;" provided that at the said election upon the question of issuing and selling such bonds the council of such city shall also submit to the electors of the city the additional question whether they favor a mechanical filtration plant or a well system filtration plant; and the notice of election hereinbefore authorized to be published in one or more newspapers of the city shall contain, in addition to the matters heretofore mentioned, a concise statement of the submission of this additional question. Those who vote in favor of a mechanical filtration plant shall have written or printed on their ballots, "For mechanical filtration," and those who vote in favor of a well system filtration plant shall have written [or printed] on their bal-

Question must be submitted to voters of city.

Notice of election.

Additional question to be submitted to voters at same time.

Notice of election.

lots "For well system filtration;" and if a majority of the electors voting upon this question are in favor of a mechanical filtration plant and also in favor of the issue of bonds as herein provided, then and not otherwise the council shall provide for such city a suitable mechanical filtration plant; and if a majority of the electors voting upon this question are in favor of a well system filtration plant, and in favor of the issue of bonds as herein provided, then and not otherwise the council shall provide for such city a suitable well system filtration plant.

Repeals.

SECTION 2. The said original section 2411 of the Revised Statutes of Ohio is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 21, 1900. 45G

[House Bill No. 381.]

AN ACT

To amend section 4889 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Repair of improved roads:

SECTION 1. That section 4889 of the Revised Statutes of Ohio be amended so as to read as follows:

Townships in certain counties made road districts.

Sec. 4889. Each township in the counties of Belmont, Butler, Carroll, Champaign, Clermont, Clinton, Columbiana, Cuyahoga, Darke, Delaware, Erie, Franklin, Geauga, Greene, Hamilton, Harrison, Licking, Lucas, Montgomery, Muskingum, Ottawa, Preble, Portage, Pickaway, Ross, Stark, Summit, Trumbull, Tuscarawas, Washington, Warren and Wayne, in which any such free road is located, shall be a road district for the care and maintenance thereof.

Repeals, etc.

SECTION 2. Said original section 4889 is hereby repealed, and this act shall take effect and be in force from

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 21, 1900 46G

[House Bill No. 323.]

AN ACT

To further supplement section 2834 of the Revised Statutes of the State of Ohio as enacted 93 O. L., 172.

Be it enacted by the General Assembly of the State of Ohio:

Levying taxes:

SECTION 1. That section 2834 of the Revised Statutes of the state of Ohio be further supplemented as follows:

Disposition of surplus under Dow tax.

Sec. 2834*d*. Whenever there is in the treasury of any city, village, hamlet, county or township any surplus arising under an act entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," passed May 14, 1886, 83 O. L., 157, which surplus is not needed for the purpose named in section 9 of said act, such surplus may be, at any time, transferred to any other fund, including school fund, by an order of the proper authorities entered on their minutes.

SECTION 2. This act shall take effect and be in force from and after its passage. J. B. SNYDER.

Speaker pro tem. of the House of Representatives.

JNO. A. CALDWELL,

President of the Senate.

Passed March 21, 1900. 47G

[Senate Bill No. 77.]

AN ACT

To amend section 2795 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Assessing real estate:

SECTION 1. That section 2795 of the Revised Statutes be, and the same is hereby amended, so as to read as follows:

Compensation of district assessors.

Sec. 2795. Each district assessor or assistant shall be entitled to receive for each day necessarily employed in the performance of his duties the sum of two ($2.00) dollars, to be paid out of the county treasury, after the same has been allowed by the county commissioners; provided that in the county of Hamilton each district assessor or assistant shall be entitled to receive for each day necessarily employed in the performance of his duties the sum of five ($5.00) dollars, to be paid in the same manner.

Hamilton county.

Repeals.

SECTION 2. Section 2795 of the Revised Statutes, as now existing, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage. J. B. SNYDER,

Speaker pro tem. of the House of Representatives.

JNO. A. CALDWELL,

President of the Senate.

Passed March 22, 1900. 48G

[Senate Bill No. 85.]

AN ACT

To amend section 2488 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Gas companies:

SECTION 1. That section 2488 of the Revised Statutes as amended March 18th, 1889, be so amended as to read as follows:

Election of trustees.

Sec. 2488. At the annual spring election occurring next after such purchase or the completion of gas or electric works erected at the expense of the corporation, the qualified voters of the corporation shall elect said trustees, to be known as "the trustees of the gas works," or "the trustees of the electric works," who shall hold their office for a term of years corresponding to the number of members constituting said "trustees of gas or electric works;" except that at the first election, when said board of trustees is composed of three members, one trustee shall be chosen for one year, one for two years, and one for three years, and thereafter one trustee shall be elected annually; when said board is composed of four members, then at said first election one trustee shall be chosen for one year, one for two years, one for three years, one for four years, and thereafter one trustee shall be elected annually; when said board is composed of five members then at said first election one trustee shall be chosen for one year, one for two years, one for three years, one for four years and one for five years, and thereafter one trustee shall be elected annually; and said trustees shall receive such compensation for their services as the council by ordinance shall fix; said trustees shall qualify by taking the official oath and each give a bond acceptable to the council, said bond, in cities, shall be in a sum not less than five thousand dollars nor more than fifty thousand dollars, and in villages said bond shall be in a sum not less than one thousand dollars nor more than fifty thousand dollars, as shall be determined by the council in the ordinance creating the said board of trustees of gas or electric works.

Terms.

Compensation; bond.

Repeals.

SECTION 2. Said original section 2488 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 49G

[Senate Bill No. 65.]

AN ACT

To provide for the payment of certain lands heretofore conveyed by James Ewing to the state of Ohio for canal purposes.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for James Ewing.

SECTION 1. That there be and hereby is appropriated the sum of nine hundred dollars ($900.00) out of any money in the state treasury belonging to the general revenue fund not otherwise appropriated, for the purpose of paying James Ewing of Hardin county, Ohio, for 23.76 acres of land heretofore conveyed to the state of Ohio by said James Ewing for canal purposes in the Lewiston reservoir, and which land is located in Logan county, being part of original survey Nos. 12,278 and 12,311. Provided that voucher for said payment, shall not be issued except upon receipt of proper deed, for said land, approved by the board of public works of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 50G.

[Senate Bill No. 43.]

AN ACT

To supplement section 2781 of the Revised Statutes of Ohio, relating to the taxation of omitted property.

Be it enacted by the General Assembly of the State of Ohio:

Listing of personal property:

SECTION 1. That the following sections be enacted as supplementary to section 2781 of the Revised Statutes of Ohio, with sectional numbering as herein provided.

Action of auditor upon omission of tax return.

Sec. 2781*a*. If any person whose duty it is to list property, or to make a return thereof for taxation to the assessor or county auditor, or to any board, officer, or person, other than a board composed of officers of more than one county shall in any year or years fail to make a return or statement, or if such person shall make a return or statement of only a portion of his taxable property, and fail to make a return as to the remainder thereof, or if he shall fail to return his taxable property or any part thereof, according to the true value thereof in money, as provided by law, the county auditor shall, for each year, as to such property omitted and as to property not returned or taxed according to its true value in money, ascertain as near as practicable the true amount of personal property, moneys, credits, and investments that such person ought to have returned or

listed, and the true value at which the same should have been taxed in his county for not exceeding the five years next preceding the year in which the inquiries and corrections provided for in this section and in sections 2781 and 2782 of the Revised Statutes, are made, and multiply the omitted sum or sums by the rate of taxation belonging to said year or years, and accordingly enter the same on the tax lists in his office, giving a certificate therefor to the county treasurer, who shall collect the same as other taxes. The term "personal property," as used in this section, shall be held to apply to all kinds of omitted property for the taxation of which, for any of the years in which it was omitted, provision has not been made by law. The power and duty of the auditor under the provisions hereof shall be held to extend to all cases where property, taxable within his county, has for any reason not been assessed and taxed according to its true value in money, as provided by law, except that where provision is made by law for the appraisement and assessment of property by a board composed of officers of more than one county, and such property or any part thereof has escaped taxation, the duties herein provided for shall be performed by such board, which shall have jurisdiction at any subsequent meeting to appraise and assess such omitted property for the year or years so omitted, and certify its assessment to the proper officer or officers to be placed upon the tax lists of the proper county or counties for the collection of omitted taxes thereon in the same manner as current assessments are certified by said board, and such officer or officers shall give a certificate therefor to the county treasurer, as in other cases. The provisions of sections twenty-seven hundred and eighty-two and twenty-seven hundred and eighty-three of the Revised Statutes, as to notice and procedure shall, in so far as the same may be applicable, apply to the proceedings under this section, and nothing herein contained shall be construed to repeal any statute now in force as to the taxation of omitted property. And this act shall apply as well to property heretofore omitted or not taxed according to its true value in money as provided by law, as to property that may hereafter be omitted or not so taxed. The provisions of section 1071 of the Revised Statutes shall not apply to cases arising under this supplemental section 2781*a*.

Exception.

Applicability of certain section of the statutes.

Act applies to property heretofore omitted.

SECTION 2. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 51G.

[House Bill No. 66.]

AN ACT

To supplement section 3946 of the Revised Statutes of Ohio and authorizing and requiring the division of funds upon the formation of special and village school districts.

Be it enacted by the General Assembly of the State of Ohio:

Joint sub-districts:

SECTION 1. That section 3946 be and the same is hereby supplemented with 3946*a* as follows:

Duty of township treasurer towards treasurer of newly created sub-district.

Sec. 3946*a*. When a special or village school district is created the treasurer of the township district shall pay to the treasurer of such newly created district such relative portion of surplus money in the treasury of the township district as the valuation of the created district bears to the valuation of the township, and also a like relative portion of the levy, or levies, existing at the time such district is created as said levy or levies come into his hands.

SECTION 2. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 52G.

[Senate Bill No. 70.]

AN ACT

To amend section 15 of section (1545-282) (1) of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Special governmental acts:

SECTION 1. That section 15 of section (1545-282)-(1) of the Revised Statutes of Ohio be, and the same is hereby amended so as to read as follows:

Akron and Youngstown; rate of taxation.

Sec. (1545-282)-(1). Sec. 15. The aggregate of all taxes levied or ordered by such city above the tax for county and state purposes, and excepting the tax for schools and schoolhouse purposes, shall not exceed in any one year nine mills; provided, however, that the city commissioners of such cities shall annually at the time the rate of levy is fixed provide by resolution for the distribution of the tax among the several departments of the corporation in such proportion to the needs as may be deemed necessary, and at no time thereafter shall the amount specified as necessary for the purposes named be changed, and all transfer of funds from one account to another are hereby expressly prohibited; and provided further, that in any such city in which there is established and maintained a public library association not organized for profit, a public library free to all inhabitants of such city, the council may levy an annual

Library tax.

tax in addition, if need be, to said above aggregate amount of taxes not exceeding four-tenths of a mill on all taxable property within such city, to be called the public library fund and collected as other taxes. Said taxes for library purposes shall be paid by the treasurer of such library association to be used in the purchase of books, pamphlets, magazines, newspapers, rent and for general library expenses, subject to such requirements as to accounting and reporting to council as the council may prescribe; and provided further, that the council may levy an annual tax for the years 1900, 1901, 1902 and 1903 in addition to said above aggregate amount of taxes, and the tax for a public library not exceeding one mill on each dollar of valuation of all taxable property within such city, and the proceeds of such levy shall be applied exclusively for the construction of fire engine houses and the equipment thereof; and the council of such city may anticipate the whole or a part of the annual levy for said purposes, by borrowing an amount of money not to exceed in the aggregate the amount that will be raised by said levy of one mill for the years aforesaid, at a rate of interest not to exceed six per cent. per annum, and issue bonds therefor payable on the collection of said taxes.

Additional tax for the construction of fire engine houses and the equipment thereof.

SECTION 2. That said section 15 (1545-282)-(1), Bates' edition Revised Statutes, as amended in O. L. 93 v. 671, 567; 90 O. L., 351, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 53G

[Senate Bill No. 54.]

AN ACT

To amend section 3235 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3235 be amended so as to read as follows:

Creation of corporations, etc.:

Sec. 3235. Corporations may be formed in the manner provided in this chapter for any purpose for which individuals may lawfully associate themselves, except for carrying on professional business; but nothing in this section shall prevent the formation of corporations for the purpose of erecting, owning and conducting sanitoriums for the receiving of and caring for patients and for the medical, surgical and hygienic treatment of the diseases of such patients, and for instruction of nurses in the treatment of disease and in hygiene; provided, that the articles of incor-

For what purposes corporations may be formed:

As to corporations dealing in real estate.

poration formed for the purpose of buying and selling real estate shall expire by limitation in twenty-five years from the date of being issued by the secretary of state. In case any real estate owned by any such incorporation is not sold or disposed of by any such corporation within twenty-four years from the date that their respective articles of incorporation are issued, it shall be forthwith the duty of the board of directors of such corporation to institute action against such corporation and owners of liens upon or against such real estate proposed to be sold, by filing a petition in the court of common pleas in the county wherein such real estate is situated, praying for a sale of the real estate in the petition described; and should any such board of directors refuse to direct any officer to institute action as hereinbefore mentioned, and should such action be not instituted within sixty days after the expiration of the twenty-four years hereinbefore mentioned, it shall be the duty of the prosecuting attorney of the county wherein such real estate is situated, upon the expiration of said sixty days, to institute such action. Service of summons upon the defendants, appraisement and sale of such real estate and distribution of the proceeds of the sale shall be made as provided in actions of foreclosure of mortgages and marshaling of liens; provided, however, the court may allow the plaintiff, in case he be the prosecuting attorney, a just and proper attorney fee, which shall be taxed with the costs of the action. And if the organization is for profit, it must have a capital stock. Such stock may consist of common and preferred, or of common only; and if of both common and preferred, it may be provided in the articles of incorporation that the holders of the preferred stock shall be entitled to dividends not exceeding six per centum per annum out of the surplus profits of the company for each year in preference to all other stockholders, and that they may convert such preferred stock into common stock of the company at their election.

SECTION 2. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 54G

[House Bill No. 396.]

AN ACT

To amend section 3959, Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

School funds:

SECTION 1. That section 3959, Revised Statutes of Ohio, be amended so as to read as follows:

Sec. 3959. Such estimate and levy shall not exceed, in cities of the first grade of the first class, three and one-fourth mills, provided, however, that the boards of education in said cities may levy one mill additional for every five thousand pupils over and above twenty-five thousand enrolled in the public schools of said cities, which levy, however, shall in no case exceed four and one-tenth mills; and in the cities of the second grade of the first class such estimate and levy shall not exceed seven mills on the dollar of valuation of taxable property; provided, however, that boards of education in cities of the second grade of the first class may levy, in addition to the seven mills aforesaid, a tax of not to exceed one mill on the dollar of valuation of taxable [property] within said district which said levy shall be used for the purchase of school house sites and the erection of school buildings thereon and for no other purpose whatever, and for the purpose of paying for such sites or for the construction of such buildings such boards of education may issue certificates of indebtedness in anticipation of such levy, payable at such times not exceeding one year from date of issue as they may designate, but bearing no interest before maturity. And in all [other] districts, except those hereinafter named, such estimate and levy shall not exceed seven mills on each dollar of valuation of taxable property; provided, however, that in counties containing a city of the first grade of the first class, in districts outside such city in which a high school is maintained, and in all special and village districts of any county in the state, such estimate and levy shall not exceed ten mills on each dollar of valuation of taxable property; but a greater tax than is authorized above, except in city districts of the first class, may be levied for either of the purposes specified in section 3958 if the proposition to make such levy shall have been first submitted by the board of education to a vote of the electors of the school district, under a resolution prescribing the time, place and manner of voting on the same, and approved by two-thirds of those voting on the proposition, notice of which election must be given by publication of the resolution for three consecutive weeks prior thereto in some newspaper published and of general circulation in the district or by posting copies thereof in five of the most conspicuous places in the district, for a like period if no such paper is published therein.

Maximum of levy in Cincinnati.

Cleveland.

All other district except —

Certain Hamilton county and all special and village districts.

When and for what purposes greater tax may be levied.

SECTION 2. Said original section 3959 is hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900.

55G

[Senate Bill No. 24.]

AN ACT

To amend sections 533-1, 533-2 and 533-3 of the Revised Statutes of Ohio, as passed April 26, 1898, v. 93 O. L., p. 288, to provide for the proper arrangement and preservation of certain pleadings and papers on file in certain probate courts.

Be it enacted by the General Assembly of the State of Ohio:

Probate court:

SECTION 1. That sections 533-1, 533-2, and 533-3 of the Revised Statutes of Ohio, be and the same are hereby amended as follows:

Assortment, arrangement and preservation of pleadings, accounts, vouchers and other papers filed in probate courts prior to May, 1898.

Sec. 533-1. That the probate judge of each county may cause to be assorted, arranged and preserved together all the pleadings, accounts, vouchers and other papers on file in the probate court of such county, in each estate, trust, assignment, guardianship or other proceeding, exparte or adversary, begun or commenced prior to the first day of May, 1898, keeping the said pleadings, accounts, vouchers and other papers in each case, or proceeding separate from the pleadings, accounts, vouchers and other papers in every other case or proceeding. And such papers so assorted and arranged shall be properly jacketed and otherwise tied, fastened or held together, and be numbered, lettered or otherwise marked in such manner that the same may be readily found and examined by reference to proper memoranda upon the docket, record or index entries of such cases, causes or proceedings, respectively, which memoranda shall be made or caused to be made by said probate judge. Provided, however, that such pleadings, accounts, vouchers and other papers are not now so assorted, arranged and preserved; and provided, further, that marriage certificates, birth and death reports and similar papers not constituting part of a case or proceeding, shall be arranged and preserved together in each class, in the order of their dates, or in the order in which the same was [were] filed.

Classification of marriage certificates, reports of births, deaths, etc.

Compensation of judge.

Sec. 533-2. Such probate judge shall be entitled to receive compensation for assorting, arranging, preserving and marking said pleadings, accounts, vouchers and other papers, as required in the preceding section, in such amount as may be allowed by the commissioners of such county, not exceeding, however, the sum of twenty cents for each case or cause so assorted, arranged, marked and docketed, and not exceeding the sum of one cent for each of said marriage certificate, birth and death reports, and such similar papers so assorted and arranged. The words "case or cause" herein shall include all proceedings in the settlement of the estate, guardianship or assignment as the case may be.

Meaning of certain words.

Care and preservation of papers filed since May, 1898; judge not entitled to additional compensation.

Sec. 533-3. All pleadings, accounts, vouchers and other papers filed in such court in causes and proceedings, begun and commenced after the first day of January, 1900, and all pleadings, accounts, vouchers and other papers which shall be hereafter filed in such probate court, in each estate, trust, assignment, guardinship, or other proceeding, exparte

or adversary, begun or commenced after said first day of May, 1898, shall be kept together as provided in section 1 of this act, and, upon the final termination or settlement of each case, cause or proceeding, shall be so preserved for future reference and examination, without further compensation to such probate judge therefor.

Repeals, etc.

SECTION 2. That said sections 533-1, 533-2, and 533-3, passed April 26, 1898, be and the same are hereby repealed; and this act shall take effect on its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 56G.

[House Bill No. 171.]

AN ACT

To amend sections 1810 and 1815 of the Revised Statutes of Ohio, providing for the appointment of clerks and prosecuting attorneys of the police court.

Be it enacted by the General Assembly of the State of Ohio:

Police court:

SECTION 1. That sections 1810 and 1815 of the Revised Statutes of Ohio be amended so as to read as follows:

Inability or absence of clerk; substitute.

Sec. 1810. When there is a temporary inability or absence of the clerk and no deputy has been appointed, or where a vacancy of the office occurs by resignation, death, or otherwise, the judge, or if there be more than one judge then the judges, of said court may appoint some competent person who, upon giving the bond and taking the oath of office prescribed, shall have the powers and perform the duties of the clerk; and the person so appointed shall be paid out of the city treasury, on the order of the council, at the same rate the clerk is paid for similar services; but in no case of temporary inability, or absence, such appointment shall be valid only until the inability be removed or the clerk return.

Inability or absence of prosecuting attorney; substitute.

Sec. 1815. When there is a temporary inability or absence of such prosecuting attorney, or a vacancy of the office by resignation, death, or otherwise, the judge of the police court, or if there be more than one judge of said court, then the judges thereof, shall appoint some competent member of the bar to perform the duties of the office, such appointee shall act until the removal of the inability, or the return of such prosecuting attorney, and in case of vacancy until his successor shall be elected at the next annual municipal election and has duly qualified. Said appointee shall qualify in the same manner, shall have the same power and authority to discharge the same duties, be subject to the same liabilities, and shall receive the same salary as the officer whom said appointee secceeds; but in case of inability

or temporary absence of such prosecutor the judge may deduct such amount from the salary of such prosecuting attorney.

Repeals, etc.

SECTION 2. Said original sections 1810 and 1815, and all acts or parts of acts in so far as they are inconsistent with said sections as herein amended, be, and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 57G.

[Senate Bill No. 79.]

AN ACT

To amend section 633-15 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

General provisions:

SECTION 1. That section 633-15 of the Revised Statutes of Ohio, as amended O. L. 93, p. 57, be so amended as to read as follows:

Board of county visitors; appointment.

Sec. 633-15. The probate judge in such counties as have no resident common pleas judge and in all other counties the presiding judge of the common pleas court shall between the first day of March and the first day of May

Qualification.

appoint six persons, three of whom shall be women, and not more than three of whom shall have the same political affiliation, who shall constitute a board of county visitors;

Term.

two of whom, as indicated by the appointing judge, upon the fixed appointment, shall serve for one year, two for two years, and two for three years, and upon the expiration of the term of each, his or her place and that of his or her successor shall, in like manner, be filled for the term of three years, who shall constitute a board of visitors for the inspection of all charitable and correctional institutions supported in whole or in part from the county or municipal

Expenses.

funds. Said board of county visitors shall serve without compensation, but actual expenses incurred in the discharge of its duties to an amount not exceeding fifty dollars ($50.00) per annum shall be allowed by the county commissioners, and the county auditor shall issue his warrant for the amount, which shall be paid by the county treasurer.

Repeals, etc.

SECTION 2. The said original section 633-15 of the Revised Statutes, as amended 93 O. L., page 57, is hereby repealed, and this act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 58G

[House Bill No. 264.]

AN ACT

To amend section 2704 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2704 of the Revised Statutes of Ohio, as amended April 22, 1896 (92 v. 286), be amended so as to read as follows: Power to borrow money, etc.:

Sec. 2704. The council of any municipal corporation shall also have power to borrow money at a rate of interest not exceeding six per centum per annum, in anticipation of the collection of any special assessment, and to issue the bonds of the corporation therefor, in the manner and form herein provided. Provided, however, that in a city of the second grade of the first class the aggregate debt for all purposes whatsoever shall not, after deducting the amount of the water debt and the par value of the sinking funds, and notes issued in anticipation of the collecton of special taxes for street improvements, exceed seven per cent. of the assessed value of all property returned for taxation within such city as shown by the county auditor's tax list; and any attempt or act by any board or officer to borrow money or issue bonds or notes or other evidence of indebtedness for the above or any other purpose, when said issue would cause said debt to exceed seven per cent., shall be null and void, and of no effect; provided, further, that nothing herein, or in section 2701 contained, shall be so construed as to prevent such temporary increase of indebtedness as may be incident to extending the time of payment of maturing indebtedness. Borrowing money in anticipation of special assessment.

SECTION 2. That said original section 2704 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall be in force and take effect on and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 23, 1900. 59G

[House Bill No. 544.]

AN ACT

To relieve the sanitary condition of cities of the fourth grade, second class.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. [Sanitary board may be appointed — when.] Whenever the state board of health declare it necessary for any city of the fourth grade of the second Sanitary board may be appointed — when.

class to adopt measures for the relief and improvement of its sanitary condition, by the proper disposal of its sewage or garbage, or both, the city council of said city may, by resolution, authorize the establishment of a "sanitary board" for the purpose of constructing, operating and maintaining a "sanitary plant" for the proper disposal of the sewage or garbage, or both, of said city in the manner hereinafter provided; and the provisions of section 2142 of the Revised Statutes of Ohio shall not apply to any city which provides itself with a "sanitary plant" in accordance with the provisions of this act. Provided, however, that the within act is not to take effect or become in any way operative until the same is submitted to the qualified electors of said city of the second class of the fourth grade, at some general or special election after due notice has been given as provided by law and a majority of said electors voting on said proposition voting in favor of same.

Question to be submitted to voters.

Duties, etc., of sanitary board.

SECTION 2. [Duties, etc., of sanitary board.] Part 1. The sanitary board shall consist of four electors who shall be citizens of said city, two of whom shall be chosen from each of the two political parties casting the largest number of votes at the last preceding municipal election; they shall be appointed by the mayor, by and with the consent of the city council and shall serve for such compensation as the city council may allow, which shall be not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) each per annum; their term of office shall be two years, except that the mayor may designate two of the first appointees to serve for one year only.

Board to adopt plan.

Part 2. Said board shall prepare and adopt plans for the disposal of the sewage or garbage, or both, of said city, and procure the approval thereof by the state board of health.

Approval of city council.

Part 3. Said plan shall thereupon be reported to the city council of said city with estimated cost of executing the same, and when approved by the city council, shall thereupon be certified back to said sanitary board, who shall thereafter have exclusive control of the erection and maintenance of said sanitary plant on behalf of the said city.

Where council has prepared plans previous to appointment of sanitary board.

Part 4. Provided, however, that in case the city council of any such city shall have had the plans for a sanitary plant prepared, and approved by the state board of health prior to the appointment of a sanitary board as provided in this act, the sanitary board thereafter appointed may, upon notice and request from the city council, proceed to carry said plans into execution as hereinafter provided, and shall have entire charge and control thereof the same as if prepared by it; and out of the sanitary construction fund the sanitary board shall refund to the city any and all expense incurred by the city in procuring and perfecting said plans.

Board shall advertise for bids.

Part 5. When said plans have been adopted or approved by the city council as heretofore provided, the said sanitary board shall at once proceed to advertise for bids

and execute contracts in the name of the city for which the work, subject to the same regulations and restrictions as provided in section 2303 of the Revised Statutes of Ohio, provided that the sanitary board shall have the entire control of the advertising for bids and letting of all contracts, instead of the various city officers named in said section 2303; provided, however, that the said sanitary board may, by and with the consent of the city council of said city, after it has duly advertised for bids for any part of said plant and has failed to receive any reasonable and satisfactory bid therefor, proceed to buy the necessary materials and construct any such part or parts of said sanitary plant under the immediate supervision of its engineer and managing officers.

Powers.

Part 6. Said sanitary board may, in order to carry out the provisions of this act, employ officers and the requisite expert and professional assistants, purchase materials, employ laborers, erect buildings, purchase and lease real estate in the name of said city, either within or without its corporate limits, and if necessary, to appropriate the same, it shall proceed in the manner and form provided in chapter three, division seven, title twelve of the Revised Statutes of Ohio.

Money shall be paid out only on orders.

Part 7. No money shall be paid out of the sanitary fund of said city except upon the written order of the sanitary board, signed by its president and attested by its secretary or clerk.

Quarterly report to council.

Part 8. Said sanitary board shall keep a record of all its meetings and of all orders issued on the sanitary funds of said city; a report of its receipts and expenditures shall be made to council every three months, or as often as required by council; the "aye" and "nay" vote shall be taken and recorded on every resolution involving the expenditure of money or entering into a contract.

Change of watercourses.

SECTION 3. [Change of watercourses.] The sanitary board of said city is authorized if, in their judgment, it becomes necessary so to do in the interest of the health of said city, and the operation of a sanitary plant, to change the channel of any unnavigable watercourse outside, as well as inside, the corporate limits of said city, by deepening, widening and straightening the same, and removing or altering any and all dams or other obstructions in said channel; provided, that in making this improvement they first procure the approval of the plans by the state board of health and then proceed in the manner prescribed by section 2304 of the Revised Statutes of Ohio, regulating the procedure of city councils in making public improvements within their respective cities; and all claims for damages against said municipal corporation growing out of said proposed improvement shall be filed and the rights of all parties determined by the city council as provided in subdivision 2 of chapter 4, division 7, title 12 of the Revised Statutes of Ohio; provided, however, that immediately upon the filing of any such

Claims for damages.

claim with the city clerk, the same shall be certified by him to the sanitary board and if the same shall not have been settled and discharged by the said sanitary board within sixty days from the date of filing, it shall be returned to said city clerk and acted upon by said council of said city like other claims for damages arising out of improvements in said city; and any judgment recovered against said city on any such claim shall be paid out of the sanitary construction fund of said city, and the said sanitary board may, upon its written request to the city council of said city, take entire control and supervision of litigation growing out of said claims; and no suit shall be brought against the city on [any] such claim until one hundred and twenty (120) days shall have elapsed from the filing thereof.

To sell bonds, etc.

SECTION 4. [To sell bonds, etc.] The city council of any city which has approved the plans for a sanitary plant as provided in section 2 of this act, or the changing [of] the channel or removal of obstructions in any watercourse as provided in section 3 of this act, is hereby authorized to, and must, upon the written request of the sanitary board, proceed to issue and sell bonds of said city in the amount so requested by said sanitary board from time to time, as the work progresses, which shall not, in the aggregate, exceed the estimated cost of the said sanitary plant, and change or removal of obstructions from any watercourse, which bonds shall be entitled "sanitary construction bonds" and shall bear interest not exceeding 6 per cent. per annum, payable semi-annually, and of denominations of not more than one thousand dollars ($1,000.00) nor less than one hundred dollars ($100.00) each, made payable at such times as said council may, by resolution, prescribe, but not to exceed fifteen (15) years from date of issue. Said bonds shall not be sold for less than par, and the proceeds thereof shall be paid to the city treasurer and shall constitute a special fund to be known as the "sanitary construction fund," which shall be subject only to the orders of the sanitary board and shall be used for the purpose of acquiring the necessary real estate and constructing a sanitary plant with its appurtenances as provided by this act.

Said sanitary boards shall conform to the requirements of chapter 2, division 9, title 12 of the Revised Statutes of Ohio, except as the provisions of said chapter have been modified in this section.

Sanitary extension.

SECTION 5. [Sanitary extension.] Whenever it is deemed necessary by the state board of health and the sanitary board of any such city which has built a sanitary plant or changed a channel on account of obstructions in any watercourse, and appointed a sanitary board under the provisions of this act, to enlarge or extend the sanitary plant to provide for the increased demands of said city, the sanitary board may prepare plans for the same, which, when approved by the state board of health, shall be submitted to the city council, together with an estimate of the

cost of executing the same, and the same proceedings shall be had thereon as are herein provided in sections 2, 3 and 5 of this act, for the original construction of a sanitary plant and subject to the same control by the sanitary board of said city, except that the fund arising from the sale of the bonds to enlarge or extend a sanitary plant, shall be denominated "sanitary extension fund" and shall be used for no other purpose; and the bonds sold to raise said fund shall be denominated "sanitary extension bonds;" provided, however, no sanitary extension bonds shall be sold by any such city until at least five years have elapsed since the last preceding "sanitary bonds" have been issued and sold.

Tax levy.

SECTION 6. [The tax.] For the purpose of providing a fund for the payment of the principal of said sanitary construction bonds and sanitary extension bonds respectively, at maturity, and of paying the interest on said bonds, said council shall, in addition to the other levies authorized by law, levy annually a sufficient tax on all the property subject to taxation in said city, and such taxes shall be levied and collected in the same manner as other taxes; and the proceeds thereof shall constitute the "sanitary construction fund" and the "sanitary extension fund," respectively, of said city, and shall be held by the city treasurer like other city funds, subject only to the written order of the sanitary board of said city, as hereinbefore provided.

Sanitary maintenance tax.

SECTION 7. [Maintenance.] For the operation, repair and maintenance of said plant, erected under the provisions of sections 2 and 3 of this act, the city council of said city is hereby authorized and directed to levy a tax, annually, not exceeding one-half mill per annum, on every dollar of taxable property, both real and personal, listed for taxation in said city, in addition to the amount otherwise authorized by law, to be collected like other taxes, and to be used for no other purpose; the proceeds of said tax shall constitute the "sanitary maintenance fund" and shall be held by the city treasurer like other city funds, subject only to the written order of the sanitary board of said city. In order to determine the amount of said levy, the sanitary board of said city shall, on or before the first day of April of each year, submit to the city council, in writing, an estimate of the probable expenses of operating, repairing and maintaining said sanitary plant for one year, and said city council shall thereupon levy a sufficient tax to produce said funds, subject to the limitations hereinbefore contained.

SECTION 8. This bill shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 23, 1900. 60G

[Senate Bill No. 227.]

AN ACT

To amend the act relating to a board of control in counties containing a city of the first grade of the first class, and to repeal certain sections therein named.

Be it enacted by the General Assembly of the State of Ohio:

Board of control and solicitor:

SECTION 1. That section 1005, 1006, 1007, 1008, 1009, 1010 and 1011 of the Revised Statutes of Ohio be amended so as to read as follows:

Information shall be furnished to the boards of control and commissioners by the county auditor; fiscal year.

Sec. 1005. In counties having a board of control, the fiscal year shall terminate on the thirty-first day of December, in each year, and the fiscal half year shall begin on the first day of January and the first day of July, respectively. In such counties the county auditor shall furnish to the board of commissioners and the board of control thereof, on or before the first Monday of April, in each year, the following statements, which he shall have printed in such manner as said boards direct:

Balance of debt or credit.

[1.] A statement, showing the balance standing to the credit or debit of the several funds on the county balance sheet, at the end of the last preceding fiscal year, and in said statement shall be included the distribution of the taxes collected for the last preceding December.

Monthly expenditure.

[2.] A statement, showing the monthly expenditure out of each fund in the twelve months, and in every one of them, of the last preceding fiscal year.

Annual expenditure for five years.

[3.] A statement, showing the annual expenditure from each fund for each fiscal year, for the five fiscal years preceding.

Monthly average of expenditure.

[4.] A statement, showing the monthly average of such expenditures from the several funds for the preceding fiscal year, and also the total average for all of them for the five preceding fiscal years.

Estimate of money needed.

[5.] A statement, containing an approximate and detailed estimate of the money needed to pay all lawful expenses of the county, and its several departments, offices and institutions, for the fiscal year following; and in calculating the amount of money needed for said fiscal year, he shall estimate the amount which will be in the treasury at the end of the current fiscal year, and the probable proceeds from the tax levy for said fiscal year, as he shall estimate the same, as required in statement number 6; as also the probable revenue in said fiscal year from all other sources.

[6.] A statement, estimating the total percentage he deems necessary to be levied in that year, so as to provide sufficient means for paying county expenses for the fiscal year named for statement number 5; and he shall also report in said statement, to what funds said total levy should, in his opinion, be apportioned as special levies.

Percentage necessary to be levied.

Sec. 1006. The two boards aforesaid, at their second regular meeting thereafter, shall, each, examine and consider said statements carefully, and thereafter, before or at their June session, the board of commissioners shall determine the total tax levy they deem necessary for the fiscal year beginning on the first day of January next following, which they shall apportion to the several funds; but not higher, however, in total levy, than that estimated by the auditor, and this action they shall transmit to the board of control at its next regular meeting, who shall thereupon consider the same, and within ten days after said meeting, shall return the same to the commissioners with their approval or rejection; in case of rejection, giving their reasons therefor. The board of control may reject any part or parts thereof, and the parts rejected shall not become valid levies. If the board of control approve said levies, or if they neglect to return the same with their approval or rejection within ten days, as aforesaid, the same shall be valid and legal, as determined by the commissioners.

Examination and consideration of statements.

Sec. 1007. In counties having a board of control, the county auditor shall, on or before the fifteenth day of June, and on or before the fifteenth day of December, in each year, submit to the county commissioners a resolution of appropriation, containing detailed and specific appropriations for each of the several objects for which the county has to provide, during the fiscal half year next following said dates respectively, apportioned to each month. The commissioners shall, by the last week previous to the fiscal half year for which appropriations are to be made, pass said resolutions of appropriation, with such amendments, additions, or omissions, as they may deem necessary, being careful to provide therein for every legitimate county expenditure, during said fiscal half year, and to apportion the means fairly and lawfully among all of them; but no appropriation shall be made for any purpose in excess of the amount estimated for such purpose, as approved and fixed in accordance with section 1008 of the Revised Statutes; and all appropriations in excess of said limits, shall be null and void as to the excess. In estimating the money in the county treasury to the credit of any of the county funds, tax collections on the duplicate may be treated as available for appropriation, as soon as under the laws and usages, they may be presumed to be in the treasury, without waiting for their subsequent distribution among the respective funds. The commissioners shall transmit the resolution of appropria-

Appropriations shall be made by commissioners.

tion as adopted by them, to the board of control for consideration at its next regular meeting, and for its approval, amendment, or rejection, as it may determine before or within the first week of the fiscal half year for which the appropriations are to be made, and, if said board fail to take final action thereon within said week, the appropriations shall stand as made by the commissioners. All expenditures within any fiscal half year, shall be made in accordance with and within said appropriations. Balances thereof remaining over at the end of the fiscal year, shall, then, no longer be open for payment therefrom, and shall be re-credited to the funds from which they were taken, but balances at the end of the first fiscal half year, may be expended in the second fiscal half year. Balances of revenue available for the current fiscal year, but not appropriated under this section, shall, by appropriation therefor, be applied to reduce any over-draft, existing in any fund at the passage of this act, until such over-draft shall have been made good, and thereafter such balances shall, in each year, before or at the end of the fiscal year, be transferred by the auditor to the sinking fund of the county and become a part thereof.

Contingent fund.

In each semi-annual appropriating resolution, there shall be deducted and set apart out of the fund for general county purposes, a sum not exceeding twenty-five thousand dollars, as a general contingent fund, to provide for any deficiency in any of the specified appropriations therein made which may lawfully happen, and to provide for any lawful county purposes omitted in the appropriations, where such deficiency or such purpose could not have been foreseen at the making of the yearly estimates or of the appropriations, which contingent fund or any part thereof, may be expended for such emergency or for such unforeseen purpose, only when previously authorized by a resolution of the commissioners, concurred in by the board of control, specifying the purpose of the expenditure. The resolution of appropriation shall be published one time in each of two newspapers not of the same politics and of general circulation in the county, before going into operation.

Institutions and departments shall report their wants to the auditor.

Sec. 1008. To enable the county auditor and the two boards aforesaid to estimate correctly the levies and appropriations aforesaid, the authorities of the county institutions, as well as every head of a department or office in the county, for whose wants provision is to be made, shall report to the auditor on or before the first Monday of March in each year, upon a blank form to be furnished by him, an estimate of the amount of money needed for their respective wants for the fiscal year, beginning on the first day of January next following, said estimate to be made for each month, and also a report of receipts and disbursements, in general form, during the last preceding fiscal year. The auditor shall revise said estimates of wants, and if deemed proper, reduce them, and the commissioners, subject to the approval of the board of control, shall fix them respectively at a

definite amount, within fair limits, as between all expenditures required for the county or its business, and the auditor shall have them printed with the statements required by section 1005 of the Revised Statutes; provided, that, upon the written application of any such authorities, heads of departments, or offices, on or before the twentieth day of June, in any year, the said commissioners with the concurrence of the board of control, may increase or decrease any item of any annual estimate, but within the limit of the aggregate of the estimate for the current fiscal year fixed as above provided, and thereafter the appropriation for the second fiscal half year may be made accordingly.

No liability or expenditure without appropriation; exception.

Sec. 1009. No liability whatever shall be created against any county embraced within the provisions of this chapter, and no expenditures shall be made for the same, unless previously covered by an appropriation made in the manner provided by section 1007 of the Revised Statutes, except that, in case of a county public improvement or other county expenditure authorized by law to be made and paid for out of the proceeds of bonds issued and sold for such purpose, no estimate or appropriation shall be necessary for any such expenditure made or to be made during the first fiscal half year in which any such law shall have been enacted, and, thereafter in such cases, appropriations may be made for such purposes in anticipation of the moneys to be derived from the sale of bonds during the fiscal half year covered by the resolution of appropriation. No appropriation shall be made or any debt, obligation or liability be created against the county for any purpose, to be paid out of its revenues, in excess of the revenues of the current fiscal year received for such purpose. No expenditure heretofore made, or contract or obligation heretofore entered into, or which may be made or entered into previous to the first day of July, 1900, shall be held invalid, because of the omission of an estimate or appropriation, or because made or entered into under a supplementary appropriation therefor; or because in excess of the limit of $50,000 a month as fixed by the original section 1007 of the Revised Statutes; or because made or entered into for the payment of reasonable compensation for necessary legal services rendered to the county, but not required by law to be performed by the county solicitor.

Powers and duties of county solicitor.

Sec. 1010. The county solicitor shall be present at the respective meetings of the board of commissioners and board of control, his presence to be noted in the minutes; he shall be entitled to protest against any action taken, which protest shall be entered on the minutes; any county officer may consult him as to his official duties, and he shall furnish opinions in writing, except in cases in which the interest of said officer may conflict with that of the county. The county solicitor shall have the powers and perform the duties conferred upon or required of the prosecuting attorney by sections 1277, 1278 and 1278*a* of the Revised Statutes, and shall in all respects be substituted for the prosecuting attor-

ney under all the provisions of said sections; and hereafter the prosecuting attorney of any county having a county solicitor shall not have such powers or perform such duties. In case the county solicitor in any such county fail, neglect or refuse to comply with the request of any taxpayer made upon him in the manner and for the purpose provided for in said section 1278, then such taxpayer may proceed in the manner and for the purpose contemplated by said section 1278, and the court shall make the allowances for costs including counsel fees provided for in said section 1278*a* and though a judgment be not rendered in his favor, may, if satisfied that such taxpayer had good reason to believe that his allegations were well founded, or that they were sufficient in law, allow him his costs and a reasonable compensation for his attorney.

Every officer shall furnish necessary information; power to act as board of revision.

Sec. 1011. Every officer of the county shall furnish to the board of commissioners and board of control, such information as pertains to the business of their respective offices, as either of said boards may require, by a resolution duly passed and entered on their minutes, and the said board of control shall have the power to act as a board of revision, and make examination of any county institution which the county has in any way to contribute to the support of, or of any county office, or of any contract being performed, or improvement being made, and shall have and may exercise all the authority to issue subpœna and compulsory process, and direct the service thereof by any constable or sheriff, compel the attendance of witnesses, and the production of books and papers before a majority of the members thereof at any designated place, to administer oaths, or to punish for disobedience of subpœna, or for refusal to be sworn or to answer as a witness, which is conferred upon courts or officers authorized to take depositions, and may have power to employ expert accountants or other persons to aid them in the examination of books and papers in the performance of the duties hereby imposed, at such compensation as may be fixed by said board, the bills for which, after approval by the board, duly attested by the president and clerk thereof, shall be paid as other bills against the county are paid, and for their services while acting as a board of revision, the members of the board of control shall, each, receive the same compensation for each necessary meeting attended, as is provided for their general services as members of the board of control.

Repeals, etc.

SECTION 2. That sections 1005, 1006, 1007, 1008, 1009 and 1010 of the Revised Statutes, as originally enacted, and section 1011, as amended May 4, 1891 (88 O. L., 532), be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed March 28, 1900. 61G

[House Bill No. 64.]

AN ACT

Authorizing the auditor of state to issue a duplicate warrant on the state treasury.

Preamble.

WHEREAS, Original warrant No. 7858, issued June 21, 1899, to Harvey H. Iler, member of the hospital corps, fifth infantry, O. N. G., for thirty-two dollars, was lost in transmission and never reached the payee, nor otherwise appeared; therefore,

Be it enacted by the General Assembly of the State of Ohio:

Warrant in favor of Harvey H. Iler.

SECTION 1. That the auditor of state is hereby authorized and required to issue a duplicate warrant in favor of the said Harvey H. Iler, member of the hospital corps, fifth infantry, O. N. G., for thirty-two dollars, out of any funds not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate

Passed March 29, 1900. 62G.

[House Bill No. 415.]

AN ACT

To amend section 3951 of the Revised Statutes of Ohio, as amended March 9, 1896, and appropriating the increased levy therein provided.

Be it enacted by the General Assembly of the State of Ohio:

School funds:

SECTION 1. That section 3951 of the Revised Statutes of Ohio as amended March 9, 1896, be amended so as to read as follows:

"The state common school fund" and "the Ohio state university fund"

Sec. 3951. For the purpose of affording the advantages of a free education to all the youth of the state, there shall be levied annually a tax on the grand list of the taxable property of the state, which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the state common school fund;" and for the purpose of higher, agricultural and industrial education, including manual training, there shall be levied and collected in the same manner, a tax on the grand list of taxable property of the state, which shall constitute "the Ohio state University fund." The rate of such levy in each case shall be designated by the general assembly at least once in two years; and if the general assembly shall fail to designate the rate for any year, the same shall be for "the state common school fund," one mill; and for the "Ohio state university fund" fifteen one-hundredths of one mill, for the years

Purpose of increase of levy.

1900 and 1901, and thereafter one-tenth of one mill upon each dollar of valuation of such taxable property; provided, that the five one-hundredths of a mill increase of levy for the "Ohio state university fund" herein provided shall be used solely for the erection and equipment of buildings for said university.

Appropriation of increase levy.

SECTION 2. There is hereby appropriated from the moneys raised or coming into the treasury from the increase of the levy for the Ohio state university herein provided, for the last three quarters of the fiscal year ending Nov. 15, 1900, and the first quarter of the fiscal year ending Nov. 15, 1901, the sum of ninety thousand dollars, or so much as may come into the treasury from said increased levy; and for the last three quarters of the fiscal year ending Nov. 15, 1901, and the first quarter of the fiscal year ending Nov. 15, 1902, the sum of ninety thousand dollars, or so much as may come into the treasury from said increased levy.

Repeals, etc.

SECTION 3. Said section 3951 of the Revised Statutes of Ohio, as amended March 9, 1896, is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 63G.

[House Bill No. 349.]

AN ACT

To authorize the Ohio state board of agriculture to issue bonds for the purpose of making improvements and erecting buildings, in order to properly comply with the requirements of section 3693 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Agricultural corporations: State board of agriculture authorized to issue bonds.

SECTION 1. That the Ohio state board of agriculture be and is hereby authorized to issue bonds for the sum of one hundred and twenty thousand dollars ($120,000) for the purpose of securing money with which to improve the state fair grounds, erect new and improve old buildings thereon.

Rate of interest; term of maturity, etc.

SECTION 2. Said bonds may be issued at such time or times as the state board of agriculture may determine, with interest not to exceed five per centum per annum, payable semi-annually; and said bonds shall be paid twelve thousand dollars ($12,000) on September 1, 1902, and a like sum shall be paid annually thereafter until all bonds are paid.

Purpose.

SECTION 3. All moneys arising from the sale of these bonds shall be used only for the purposes named in section one of this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 64G.

[House Bill No. 18.]

AN ACT

For the relief of Lillie Willis, widow, and minor children of William Willis, deceased, late private of company K, first regiment I., O. N. G.

Be it enacted by the General Assembly of the State of Ohio:

Warrant in favor of guardian of minor children of William Willis, deceased.

SECTION 1. That the auditor of the state of Ohio be, and he is hereby authorized and required to issue his warrant on the state treasurer to pay to the guardian of the minor children of William Willis, deceased, private of company K, first regiment infantry, O. N. G., and now living in Cincinnati, Ohio, the sum of one thousand ($1,000) dollars which shall be in full liquidation and payment for all expenses and charges incurred incidental to the sickness, death and burial of said William Willis who died March 21, 1896, of disease contracted in the line of duty as a member of the Ohio national guard, while aiding in suppressing the riot at Washington, C. H., Ohio, in October, 1894. Provided the guardian aforesaid shall pay to the widow of William Willis two hundred ($200) dollars out of the above sum for expenses incurred in the sickness, death and burial of said William Willis.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 65G.

[House Bill No. 445.]

AN ACT

To amend sections 1522-1 and 1522-2, relating to the duties of assessors in collecting names and postoffice addresses of soldiers of Mexican war, war of the rebellion and Spanish-American war.

Be it enacted by the General Assembly of the State of Ohio:

Officers of civil townships.

SECTION 1. [Sec. 1522-1]. The assessor in each township as township assessor of his township, and each

Corrected lists of ex-soldiers, sailors and marines.

city or ward, or precinct assessor, as assessor of his ward or precinct, shall make and deliver to the county auditor of their respective counties, at the time of making their annual assessment in the year 1900, a corrected list of all persons who served in the United States army, navy or marine corps during the Mexican war, the war of the rebellion and Spanish-American war, and the Philippine insurrection, designating the rank, company, regiment, battery or vessel in which they served and their present residence, town and county, which several lists shall be returned with assessor's books to the county auditor, who shall, on or before the first day of September, 1900, certify to the adjutant general a true copy of said lists, alphabetically arranged.

Consolidation; further duties of auditor; penalty.

SECTION 2 [1522-2.] The adjutant general, on receipt of said lists from the county auditors, shall proceed to consolidate said lists alphabetically, and shall keep said list upon file in his office. The county auditor of each county shall furnish the assessors of his county such blanks as may be necessary for taking the aforesaid statement. Any county auditor, township assessor, city or ward assessor, who shall fail or refuse to perform any of the duties required of him by this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) for each and every offense.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 66G

[House Bill No. 281.]

AN ACT

To amend section 4405 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Physicians, dentists, druggists, etc.:

SECTION 1. That section 4405 of the Revised Statutes of Ohio be so amended as to read as follows:

Who may retail drugs; compound prescriptions; proviso.

Sec. 4405. It shall be unlawful for any person not a legally registered pharmacist to open, or conduct, any pharmacy, or retail drug or chemical store, either as proprietor or manager thereof, unless he shall have in his employ and place in charge of such pharmacy, or store, a legally registered pharmacist under the laws of this state. It shall be unlawful for any person, not a legally registered

pharmacist, to compound, dispense, or sell any drug, chemical, poison, or pharmaceutical preparation, upon the prescription of a physician or otherwise; provided, however, that a legally registered assistant pharmacist may compound, dispense or sell, any such drug, chemical, poison, or pharmaceutical preparation when employed in a pharmacy or drug [store] which is under the supervision, management and control of a legally registered pharmacist. Provided also, that nothing in this section shall apply to, or in any manner interfere with the business of a physician, or prevent him from supplying to his patients such medicines as to him may seem proper; nor with the making or vending of patent or proprietary medicines by any retail dealer; nor with the selling by any person of copperas, borax, blue vitriol, saltpeter, sulphur, brimstone, licorice, sage, juniper berries, senna leaves, castor oil, sweet oil, spirits of turpentine, glycerine, glauber's salt, cream of tartar, bi-carbonate of sodium, quinine, rochelle salts, epsom salts, alum, camphor gum, oil of cinnamon, oil of lemon; nor prohibit any person from selling paregoric, essence of peppermint, essence of cinnamon, essence of ginger, hive syrup, syrup of ipecac, tincture of arnica, syrup of tolu, syrup of squills, spirits of camphor, number six, sweet spirits of nitre, compound cathartic pills, quinine pills, and other similar preparations when compounded by a legally registered pharmacist and put up in bottles and boxes bearing the label of such pharmacist or wholesale druggist, with the name of the article and directions for its use on each bottle or box; nor prohibit any person from selling paris green when put up in bottles or boxes, bearing the name of a legally registered pharmacist or wholesale dealer, and labelled as required by section 4364-54 of the Revised Statutes, nor with the exclusively wholesale business of any dealer.

SECTION 2. Said section 4405, as amended April 21, 1898, is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 67G

[House Bill No. 361.]

AN ACT

To reënact sections 1 and 3 and to amend sections 2 and 4 of an act "To provide for an official stenographer for the second subdivision of the third judicial district of Ohio," passed March 29, 1892, vol. 89, pages 152 and 153 of the session laws of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Official stenographer in second sub-division, third judicial district: appointment, office, stationery, qualifications.

SECTION 1. That the judge of the court of common pleas of the second subdivision of the third judicial district of Ohio, composed of the counties of Williams, Defiance and Paulding, shall, within thirty days from and after the passage of this act, appoint for said counties an official stenographer, who shall be a resident of one of the said counties, and who shall have his or her office in the court house of said respective counties, which said office and the necessary stationery for the use of said stenographer shall be furnished by the commissioners of said respective counties. Said stenographer shall not, during the term of his or her said office as provided in section two of this act, be the partner, clerk, student or employe of any attorney residing or practicing in any of said counties.

Term.

SECTION 2. That such stenographer shall hold his or her office for a term of three years from and after the date of his or her appointment, and until his or her successor be appointed and qualified, unless sooner removed by the court for the neglect of duty, misconduct or incompetency. Such official stenographer shall, before entering upon the duties of said office, take an oath that he or she will faithfully discharge the duties of said office. Such stenographer shall receive a salary of ten hundred and fifty dollars ($1,050.00) per annum, payable quarterly out of the county treasuries of said counties of Williams, Defiance and Paulding, in proportion of one-third thereof from each of said counties, which salary shall be in lieu of all per diem fees in the circuit and common pleas courts of said counties; and it shall be the duty of the auditors of said counties to issue warrants on the treasurer for the payment of said salary, as herein provided, out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

Oath.

Salary.

Stenographic notes.

SECTION 3. It shall be the duty of such stenographer, unless waived by the parties, to make or cause to be made accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct in all cases actually tried or heard in the circuit and common pleas courts; and the shorthand notes so taken shall be the property of the county and preserved in the office of such stenographer; provided, that if sessions of the common pleas and circuit courts in said district are holden on the same days, said stenographer shall give preference to the common pleas court, unless

Preference to be given to common pleas court.

excused by the judge thereof. It shall also be the duty of said stenographer to make or cause to be made, at the request of either party, his attorneys, or the court, an accurate transcript into long-hand of the notes so taken in any case, or such portion thereof as may be requested, to be paid for forthwith by the party or parties ordering the same, and the cost of said transcript, if used on appeal or error to be taxed in the cost and adjudged as the court may direct; but no transcript of the notes into long-hand shall be paid for out of the county treasury in any case, unless such transcript shall be ordered by the judge or judges trying the case for his or their own use, and in criminal cases by the prosecuting attorney. All such transcripts ordered by the judge or judges trying the case, and by the prosecuting attorney in criminal cases shall be paid for out of the county treasury, and the clerk of the court shall certify the amount of such transcripts, which certificate shall be a sufficient voucher to the auditor of the county, upon which he shall draw his warrant upon the county treasurer, and when so paid such fees shall be taxed and collected as other costs in the case. Such stenographer shall also, without extra charge or compensation, take from the dictation of the court such short-hand notes as may be required in preparing opinions and charges to juries.

Transcripts.

Opinions and charges of court.

SECTION 4. Said stenographer shall receive for making such transcripts of said notes into long-hand, in addition to said salary, four cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript or such portion thereof, shall be three cents per folio of one hundred words, and shall be paid for as provided in section 3. And in every case reported in said courts, there shall be taxed for each day's services of such stenographer a fee of four dollars, to be collected as other costs in the case, and when so collected to be, by the clerk of the court, paid quarterly into the treasury of the county where earned.

Fees for making transcripts.

Additional costs for stenographer's services.

SECTION 5. Said original act is hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 68G

[House Bill No. 7.]

AN ACT

To amend section 676 so as to admit into the Ohio soldiers' and sailors' orphans' home, children and orphans of soldiers in Spanish-American war.

Be it enacted by the General Assembly of the State of Ohio:

O. S. & S. O. Home:

SECTION 1. That section 676 of the Revised Statutes of Ohio be amended to read as follows:

What children received and how long retained.

"The trustees are authorized and required to receive into the home, under such rules and regulations as they adopt, the children and orphans residing in Ohio of such soldiers and sailors who have died or may hereafter die by reason of wounds received, or disease contracted while serving in the military or naval forces of the United States, that are found to be destitute of means of support and education; and the children also of permanently disabled or indigent soldiers and sailors of said service found destitute as aforesaid; and all children admitted shall be supported and educated until they are sixteen years of age, unless for good cause sooner discharged. The board of trustees may, however, retain such children until they arrive at the age of eighteen years and also retain all children who are members of the graduating class until the close of that school year." (91 vol. 217; 84 vol. 40; Rev. Stat., 1880; 76 vol. 171, sec. 3.)

SECTION 2. This act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 69G.

[House Bill No. 393.]

AN ACT

To amend section 1533 of the Revised Statutes of Ohio, as amended 76 O. L., 39.

Be it enacted by the General Assembly of the State of Ohio:

Officers of civil townships: Supervisor's fees.

SECTION 1. [Sec. 1533.] That each supervisor shall receive for his services compensation at a rate not exceeding one dollar and fifty cents per day for the time he is actually employed on the roads; but no supervisor shall be allowed in any one year a sum exceeding twelve dollars in addition to the commutation for his two days' labor on the roads, when the number of persons in his district liable to do the work on the public highway does not exceed twenty-five; not more than sixteen dollars when the number so liable is more than twenty-five and less than thirty-five;

not more than twenty-five dollars when the number so liable is not less than thirty-five nor more than fifty; and not more than thirty-five dollars when the number so liable is more than fifty and less than seventy-five; and not more than forty dollars when the number so liable is more than seventy-five and less than one hundred; and not more than sixty dollars when the number so liable is not less than one hundred nor more than one hundred and twenty-five; and not more than seventy-five dollars when the number so liable exceeds one hundred and twenty-five; but a supervisor that is required by any law of the state to repair a turnpike road, or any part thereof, shall be allowed not exceeding eight per cent. for the amount of labor performed under his direction, as supervisor, repairing such turnpike, or working out the road tax in his district, but in no case shall he receive more than one dollar and fifty cents per day.

SECTION 2. That section 1533 of the Revised Statutes of Ohio, as amended 76 O. L., 39, is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 70G.

[Senate Bill No. 32.]

AN ACT

For the relief of Jane Sleffel, mother of Walter Sleffel, late corporal company "B", 14th regiment, Ohio national guard.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of the state be and he is hereby authorized and required to issue his warrant on the state treasury, to pay to Jane Sueffel, mother of Walter Sleffel, late corporal in company "B," 14th Regiment, Ohio national guard, the sum of one thousand dollars ($1,000.00) out of any money in the treasury to the credit of the general revenue fund not otherwise appropriated, which sum shall be in full liquidation and payment to said Jane Sleffel, for loss by death of said Walter Sleffel, caused by consumption contracted by him while in the line of duty as required by law, as a member of the Ohio national guard, and resulting from exposure during the mining strike in eastern Ohio, June 6th to 20th, 1894, from which cause he died March 7th, 1895, to be in full of all claims and demands against the state for or on account of the loss aforesaid. Warrant in favor of Jane Sleffel.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 71G.

[Senate Bill No. 12.]

AN ACT

To amend section 4735 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Supervisors and road work:

SECTION 1. That section 4735 of the Revised Statutes of Ohio be amended so as to read as follows:

Trustees to furnish tools, machinery and implements.

Sec. 4735. The township trustees are authorized to furnish such tools, implements and machinery as they may deem necessary for the construction, repair and maintenance of the roads in the several road districts within their township, to be paid for out of any money in the township treasury not otherwise appropriated, and shall take a receipt from each supervisor for such implements as may be delivered to him, showing the number, kind and condition thereof; and such supervisor shall be liable for any injury or damage that may result to such implements, or any of them, from the improper use thereof or by unnecessary exposure to the weather during the time the same may be in his possession, to be recovered in an action in the name of the trustees, and he shall, on the first Monday in March, annually, return the same to the trustees.

Repeals.

SECTION 2. Said original section 4735 is hereby repealed.

SECTION 3. This act shall be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 72G.

[Senate Bill No. 121.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

County commissioners:

SECTION 1. That section 897 of the Revised Statutes of Ohio be supplemented with an additional section numbered 897-4 as follows:

Salaries of county commissioners of Medina county.

Sec. 897-4. In Medina county, state of Ohio, each county commissioner elected after the passage of this act shall devote so much of his time as will be required to enable him to properly and efficiently discharge the duties of his office and shall receive a yearly salary of seven hundred ($700) dollars, which shall be paid in equal quarterly installments, which shall be in lieu of all per diem, mileage, or any other perquisites; provided, however, that each commissioner may be paid in addition to said seven hundred ($700) dollars,

his necessary expenses while doing business for the county outside of its limits. A sworn statement of such expenses must be filed with the prosecuting attorney of said county and approved by him.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 73G.

[Senate Bill No. 74.]

AN ACT

Providing for life certificates of teachers in city districts of the first grade of the first class.

Be it enacted by the General Assembly of the State of Ohio:

Examiners: In cities of the first grade of the first class board of examiners may grant life certificates.

SECTION 1. That boards of examiners in city districts of the first grade of the first class, in addition to the grades of certificates named in section 4081, may grant permanent certificates of each class issued by them, which shall be valid for life within the district wherein granted; these certificates to be conditioned upon the applicant therefor having had fifty months successful experience in teaching, at least thirty of which shall have been in the schools of said city district, and in addition to the subjects mentioned in section 4074, said applicant shall give evidence of satisfactory knowledge of the history of education, science of education and psychology. Applicants for permanent certificates under this act shall pay to the clerk of said board of examiners a fee of three ($3) dollars.

SECTION 2. This act shall take effect and be in force on and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 74G.

[Senate Bill No. 33.]

AN ACT

To amend Section 3718*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Societies to prevent cruelty;

SECTION 1. That section 3718*a* be amended so as to read as follows:

Jurisdiction of justices, police judges and mayors, in prosecutions for adulteration and cruelty.

Sec. 3718*a*. Any justice of the peace within his county and city, and police judge or mayor of any city or village within his city or village, shall have jurisdiction in cases of violation of the laws to prevent adulteration of food and drink, the adulteration and deception in sale of dairy products, and drugs and medicines, and any violation of the law for prevention of cruelty to animals, or under section 6984 of Revised Statutes, or section 6984*a* thereof, as herein enacted. If such prosecutions be before a justice of the peace and a trial by jury be not waived, the said justice shall issue a venire to any constable of the county, containing the names of sixteen electors of the county to serve as jurors to try such case and make due return thereof. Each party shall be entitled to two peremptory challenges and shall be subject to same challenges as jurors are subject to in criminal cases in court of common pleas. If the venire of sixteen names be exhausted without obtaining the required number to fill panel, the justice may direct the constable to summon any of the bystanders to act as jurors; provided, that in all cases prosecuted under the provisions of this section, no costs shall be required to be advanced or paid by person or persons authorized under the law to prosecute such cases; and provided further, that in all cases brought under the provisions of this section, if the defendant be acquitted, or if convicted and committed in default of paying fine and costs, the costs of each case shall be certified under oath to county auditor, who, after correcting the same, shall issue a warrant on county treasurer, in favor of the person or persons to whom such costs and fees shall be paid. And in cases brought for any violation of law for the prevention of cruelty to animals, or under section 6984 of Revised Statutes, or under section 6984*a* or 7017-3 thereof, the humane society or their agents, may employ an attorney to prosecute the same, who shall be paid for his services out of the county treasury, as the county commissioners may deem just and reasonable.

Judicial proceedings in such causes before justices.

Costs.

Attorney in prosecuting such cases.

Repeals.

SECTION 2. That said original section 3718*a* be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900. 75G

[House Bill No. 331.]

AN ACT

To amend section 2 and repeal sections 1, 3, 4, 5, 6, 7, 8 and 9 of "An act to repeal an act passed April 17, 1882, entitled 'An act to establish a meteorological bureau for the state of Ohio,' and to establish in connection with the state board of agriculture a weather and crop service for the collection and dissemination of crop statistics and meteorological data," passed April 13, 1892.

Preamble.

WHEREAS, The United States department of agriculture declines to coöperate with the Ohio state board of agriculture in the matter of the collection and dissemination of crop statistics and meteorological data, provided for in said act, passed April 13, 1892; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2 of "An act to repeal an act passed April 17, 1882, entitled 'An act to establish a meteorological bureau for the state of Ohio,' and to establish in connection with the state board of agriculture a weather and crop service for the collection and dissemination of crop statistics and meteorological data," passed April 13, 1892, be amended so as to read as follows:

Crop and stock service.

Sec. 2. There shall be and hereby is established in the state of Ohio, to be under the supervision of the secretary of agriculture, a crop and stock service, for the purpose of collecting crop and stock statistics, and disseminating them over the state; said secretary of agriculture shall appoint volunteer crop correspondents, receive reports from them, tabulate the same for permanent record, and shall issue monthly crop and stock reports; and it shall be the duty of the state printer to print the same promptly and without delay as preferred matter for distribution from the department of agriculture.

Repeals, etc.

SECTION 2. Sections 1, 3, 4, 5, 6, 7, 8 and 9 of an act entitled "An act to repeal an act passed April 17, 1882, entitled 'An act to establish a meteorological bureau for the state of Ohio,' and to establish in connection with the state board of agriculture a weather and crop service for the collection and dissemination of crop statistics and meteorological data," passed April 13, 1892, are hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900.

76G

[House Bill No. 447.]

AN ACT.

To authorize the board of trustees of the Ohio university to refund certain certificates of indebtedness heretofore issued.

Be it enacted by the General Assembly of the State of Ohio:

Trustees of Ohio university authorized to issue certificates of indebtedness.

SECTION 1. The board of trustees of the Ohio university is hereby authorized to issue from time to time certificates of indebtedness to an amount not exceeding in the aggregate fifty-five thousand dollars ($55,000.00) in anticipation of the annual levies authorized by section 3951 of the Revised Statutes of Ohio, as amended March 28, 1891 (88 O. L., page 159), and as further amended February 26, 1896 (92 O. L., page 40), provided that the whole amount of said certificates of indebtedness shall be paid by said board of trustees out of the proceeds of such levies on or before December 31, 1916, and provided, further, that not less than five thousand dollars ($5,000.00) in the year 1906, and five thousand dollars ($5,000.00) in each of the years 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915 and 1916 shall be set apart of such annual levy for the redemption of the certificates herein authorized.

Rate of interest, term of maturity, purpose, etc.

SECTION 2. The certificates herein authorized shall be signed by the president and secretary of said board of trustees of the Ohio university and sealed with the seal of the university, shall bear such rate of interest, not exceeding five (5) per cent. per annum, payable semi-annually, as said board of trustees shall determine, and shall be payable by said board of trustees out of the revenues to arise under the act entitled, "An act to supplement section 3951 of the Revised Statutes of Ohio, as amended March 20, 1891 (O. L. 88, page 159), passed February 26, 1896 (O. L. 92, page 40), and the moneys arising from the issue of said certificates shall be applied exclusively to the redemption of the certificates of indebtedness heretofore issued by said board of trustees, and maturing ten thousand dollars ($10,000.00) on the first day of September, 1900, and ten thousand dollars ($10,000.00) on the first day of September in each of the years 1901, 1902 and 1903; and five thousand dollars ($5,000.00) on the first day of September, 1904, and ten thousand dollars ($10,000.00) on the first day of September, 1905. Said certificates of indebtedness shall be sold by said board of trustees from time to time in such amounts as may be necessary to meet the payment of the outstanding certificates of indebtedness mentioned in section 2 of this act, at not less than their par value, to the highest bidder, after thirty days' notice of the sale has been given in not less than one newspaper published and of general circulation in each of the cities of Cincinnati, Cleveland and Columbus.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.

JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900.

77G

[House Bill No. 584.]

AN ACT

To amend section 4364-56 of the Revised Statutes, being a section of an act entitled "An act for the more effective protection of persons dealing in timber," passed April 19, 1883.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4364-56 of the Revised Statutes be amended to read as follows: Labels and marks:

Sec 2. [4364-56.] Every dealer desiring to adopt such a trade mark may do so by the execution of a writing in form and effect as follows: Application for trade mark.

TRADE MARK.

Notice is hereby given that I (or we, etc., as the case may be) have adopted the following trade mark, to be used in my (or our) business as timber dealers, to-wit:—(Here insert the letters, words or figures, etc., constituting the trade mark, or if it be any device other than letters, words or figures, etc., insert a fac simile thereof), dated this —— day of ————, 19—. The said writing shall be acknowledged or proved for record in the same manner as deeds are acknowledged or proved, and shall be recorded in the office of the clerk of the court of common pleas of the county in which the principal office or place of business of such timber dealers may be, and also in the office of the secretary of state, and a copy thereof shall be published at least once in each week for four consecutive weeks in some newspapers printed in such county. To be acknowledged and recorded.

SECTION 3. Said original section 4364-56 shall be repealed and this act shall take effect on its passage. Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900. 78G.

[House Bill No. 321.]

AN ACT

To amend section 3586*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3586*a* of the Revised Statutes of Ohio be amended so as to read as follows: Cemetery associations:

Sec. 3586*a*. Any company or association incorporated for the purpose of the erection and maintenance of a crematory or other place or building for cremating the dead, may exercise all the rights and powers conferred by this chapter, subject to the same conditions; provided, however, that no Rights and powers of crematory associations.

building shall be erected for any such purpose by any company, association, person or persons within two hundred yards of any dwelling-house, unless the owner of such dwelling-house give his consent, and it shall be unlawful for any person or persons, company, association or firm to establish a morgue on any street or part of a street upon which are dwelling-houses, unless the owner or occupants of such dwelling-houses within two hundred yards (200 yards) of said proposed morgue give their written consent thereto; provided that this act shall not apply to any crematory already built, or morgue already established.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900. 79G.

[House Bill No. 379.]

AN ACT

To provide for the improvement of public roads.

Be it enacted by the General Assembly of the State of Ohio:

Petition for improvement of roads, duties of commissioners thereafter.

SECTION 1. That when a majority of the resident owners of any real estate lying and being within one mile of any public road, shall present a petition to the county commissioners of any county in the state of Ohio, asking for [the] grading and improving of any such road, the board of county commissioners shall go upon the line of such road described in such petition, and if in the opinion of the county commissioners the public utility requires such road to be graded and improved, the commissioners shall determine whether the improvement shall be constructed of stone, gravel, or brick, any or all, and they shall determine what part or parts of such road improvement shall be of stone gravel, or brick, any or all, and shall enter their determination on their journal, and at the same time appoint an engineer to go upon the line of such road and make such markings, gradient lines, plat and profiles and estimates as such commissioners shall order in their entry on their journal, and order that the improvement be made; and at the same time said commissioners shall order that a portion of the cost and expense thereof, which shall not be less than one-half, nor more than two-thirds, of the total cost and expense thereof, shall be paid out of the proceeds of any levy or levies upon the grand duplicate of the county assessed against [which] the taxable property of any township or townships in which such road may be in whole or in part, as authorized by section 5 of this act. And shall also order

that the balance of said cost and expense be assessed upon and collected from the owners of the said real estate, and from the real estate benefitted thereby in proportion to the benefit to be derived therefrom by said real estate as determined by said commissioners. Said order shall also state the lands which shall be subject to be assessed for the cost and expense of said improvement, and whether the estimated assessment therefor shall be made before the improvement is commenced, or after the same is completed.

Appointment of engineer.

SECTION 2. After making such order for an improvement, the commissioners shall appoint a competent engineer to superintend the performance and completion of the work, who shall, under the directions and with the approval of said commissioners prepare and file the necessary plans, plats, profiles and specifications of the work. After such plans and specifications as the commissioners deem necessary are adopted, the work shall be publicly let by the county commissioners to the lowest responsible bidder, who shall enter into bond with sufficient sureties, and in such amount as the commissioners shall approve and determine, conditioned for the faithful performance of said work. Notice of such letting shall be first published for at least four weeks in some newspaper printed in the county and of general circulation therein, stating the nature and extent of the work and the time when said letting will be made; or, if sealed bids are required, when the same will be opened. The commissioners may let the work as a whole, or in convenient sections as they may determine. The commissioners may require a bond from each bidder in such sums as they may determine, with sureties to their approval, conditioned that if the contract be awarded on such bid, the bidder will enter into the contract and execute the bond, with approved sureties, for the faithful performance of the contract. The county commissioners may remove the engineer herein provided for at any time, and appoint another in his place. And they may, in their descretion, if in their judgment no reasonable bid is made for said work, refuse to accept any bid so made or to enter into such contract, but readvertise the same.

Contract to be let to lowest bidder.

Notice of letting.

Engineer to make an estimated assessment.

SECTION 3. The said commissioners shall either before the said improvement is commenced, or after the same is completed, as they shall have determined at the time of ordering the improvement, order said engineer to make, upon actual view, and to report to said commissioners, an estimated assessment of the proportion of the cost and expense aforesaid upon the real estate to be charged therewith, or upon such real estate included in the descriptions and boundaries aforesaid, as in his judgment should be assessed, in proportion as nearly as may be to the benefits which may result from such improvement to the real estate so assessed, which assessment shall be filed with the county commissioners, and kept in the auditor's office for public inspection. Before adopting the assessment so made and

Adoption of report, etc.

reported, the said commissioners shall publish notice for three weeks consecutively, in some newspaper of general circulation in the county, that such assessment has been made and the same is on file in the office of the auditor for inspection; and if no objections are filed thereto within one week after the date of the last publication of said notice, the commissioners may confirm the same. If the owner of any property assessed objects to the assessment so made, he shall file his objections in writing with the said commissioners within one week after the date of the last publication of said notice, and thereupon the commissioners shall appoint three other disinterested freeholders, to act as an equalizing board, who shall meet at the county auditor's office at a time to be fixed by the county commissioners, with power to adjourn from time to time, who shall hear and determine all objections to said assessment, equalize the same, or approve the assessment already made, as they shall deem just. They shall report their action to said commissioners, who shall have power to confirm the same, or set the same aside and cause a new equalizing board to be appointed with like powers and qualifications. When said assessment is confirmed by the county commissioners, the same shall be final. The members of said assessing and equalizing board shall, before entering upon their duties, take an oath before a proper officer to faithfully, honestly and impartially discharge their duties in making or equalizing said assessments, and in either case a majority of the board shall have power to determine any question or matter before them. The equalizing board, or any of its members, shall have power to administer oaths to witnesses, and said board shall hear testimony for or against the parties filing exceptions as aforesaid. If any of the real estate to be assessed is subject to a life estate, the assessment made thereon shall be apportioned between the owner of the life estate and the owner of the fee in proportion of the relative value of their respective estates, to be ascertained upon the principles applicable to life annuities.

Objections to assessment.

Record of proceedings to be kept by auditor.

SECTION 4. Said commissioners shall cause to be kept by the county auditor a full record of all the proceedings herein provided for, together with accurate accounts of the receipts and expenditures of money, under the provisions of this act; and all profiles, plats and specifications shall be filed and kept in the office of the county auditor; and no money shall be drawn from the treasury belonging to the fund raised under the provisions of this act, except to pay liabilities already accrued, and then only in pursuance of orders caused by the commissioners while in session as a board, to be entered upon the record of their proceedings, and by order drawn by the county auditor upon the county treasury in favor of the person to whom such money is due.

"Stone and gravel road building fund".

SECTION 5. For the purpose of providing by general taxation a fund out of which not less than one-half nor more than two-thirds of the costs and expenses of all improve-

ments made under the provisions of this act can be paid, the commissioners are hereby authorized to levy upon the taxable property of any township or townships within the county in which such improved road is to be or has been constructed, not exceeding ten mills in any one year upon each dollar of the valuation of the taxable property in such township or townships. And said levy shall be in addition to all other levies authorized by law, notwithstanding any limitation upon the aggregate amount of such levies now in force. The proceeds of the levy or levies hereby authorized to be made, shall be applied and used by the county commissioners in the construction of such stone and gravel roads, as the case may be, and for no other purpose, and these funds shall be expended under the direct orders and supervision of the county commissioners. All the proceeds of such stone and gravel road building levies and of the sale of any bonds under the provisions of this act, shall be placed to the credit of a fund to be called "the stone and gravel road building fund," out of which shall be paid all the costs and expenses of said improvement, including the expenses of the preliminary view and survey and the fees of the engineer and auditor, but the auditor shall keep a separate account of each different improvement in a book to be kept for that purpose.

Bonds may be issued.

SECTION 6. The commissioners are hereby authorized, whenever in their judgment it is desirable, to sell the bonds of any such county in which such improvement is to be or has been constructed to any amount necessary to pay, of the costs and expenses of such road improvement, the respective shares of such township or townships and of the land owners whose lands therein are benefitted by such road improvement, as provided in the preceding section; said bonds to state for what purpose issued, to bear interest at a rate not in excess of five per cent. per annum, payable semi-annually, to mature in not more than ten years after their issue, in such amounts and at such times as the commissioners shall determine, but not more than one-fifth of the principal of said bonds shall mature in any one year, and they shall be sold according to law and for not less than par and accrued interest; the proceeds of such bonds to be applied and used exclusively for the payment of the expenses and cost of construction of such stone or gravel road improvement, and the levy for the payment of the principal and interest of such bonds may be in addition to any levy now authorized by law.

When person signs both petition and remonstrance; costs.

SECTION 7. If it appear that any person who signed the petition asking for such road improvement afterwards signed a remonstrance, so that by counting such person remonstrator instead of petitioner the object and prayer of such petition will be defeated, the person who is both petitioner and remonstrator shall be held liable, and shall pay all costs growing out of the presentation of the petition and the proceedings had thereon; and if the costs are not paid within

thirty days after the dismissal of further proceedings in the case, the auditor shall tax the costs against such person, and if there is more than one such person, the auditor shall apportion the costs among such persons in the proportion of the appraised value of their several lands for taxation that are within one mile of the route on which the improvement was prayed for, and shall place the same on the grand duplicate for collection, to become due and payable at the next December collection of taxes thereafter; and the same penalties shall attach and the same proceedings shall be had in the collection as in delinquent state and county taxes.

SECTION 8. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 4, 1900. 80G.

[House Bill No. 784.]

AN ACT

To amend section 2690*o* of the Revised Statutes of Ohio (as contained in section 3 of 88 O. L., page 229, passed March 26, 1891).

Muncipal code for cities of the first grade, first class (Cincinnati).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2690o of the Revised Statutes of Ohio be so amended as to read as follows:

When appointments to be made and to take effect.

Sec. 2690o. That all appointments provided for in sections 2205, 2436, 2926b and 2690m, shall, except in cases of vacancy, be made on the first Monday in August, or as soon thereafter as practicable of each year, in which appointments are required. The predecessors of the boards and officers whose appointments are so provided for, shall serve with their several powers and duties, as now prescribed by law, until such boards and officers shall be appointed and qualified, as herein provided. The advice and consent of the board of legislation in making such appointments shall not be necessary, except as provided in section 1708a. Any person appointed under any of said sections may be removed at any time by the board or officer appointing him; provided, however, that the members of the board of public service elected as provided in section 2205, and the members of the board of fire trustees appointed by the mayor as provided in section 2436 shall be removed from office in manner and under conditions as follows, and none other: It shall be the duty of the mayor, whenever probable cause appears, to prefer charges against any such officer. Any twenty-five citizens may in like manner prefer charges.

Removals.

How charges may be preferred, etc.

All charges so made against any such officer shall be forthwith filed with the board of supervisors in such city, and within one week after such filing the board of supervisors shall proceed to hear and examine such charges. All charges shall be taken as denied and hearing shall be summary and without pleading and the action of the board of supervisors shall be final. A record of all such charges and findings shall be made and kept.

SECTION 2. That said original section 2690o of the Revised Statutes be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage. Repeals, etc

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 81G.

[House Bill No. 260.]

AN ACT

To amend section 1 of an act entitled "An act imposing a collateral inheritance tax," passed January 27, 1893, as amended April 20, 1894 (now R. S., sec. 2731-1).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled "An act imposing a collateral inheritance tax," passed January 27, 1893, as amended April 20, 1894, be and the same is hereby amended so as to read as follows: Taxation:

Sec. 1. That all property within the jurisdiction of this state, and any interests therein, whether belonging to inhabitants of this state or not, and whether tangible or intangible, which shall pass by will or by the intestate laws of this state, or by deed, grant, sale or gift, made or intended to [take] effect in possession or enjoyment after the death of the grantor, to any person in trust or otherwise, other than to or for the use of the father, mother, husband, wife, brother, sister, niece, nephew, lineal descendant, adopted child, or person recognized as an adopted child and made a legal heir under the provisions of section 4182 of the Revised Statutes of Ohio, or the lineal descendants thereof, or the lineal descendants of any adopted child, the wife or widow of a son, the husband of the daughter of a decedent, shall be liable to a tax of five per centum of its value, above the sum of two hundred dollars, seventy-five per centum of such tax to be for the use of the state, and twenty-five per centum for the use of the county wherein the same is collected; and all administrators, executors and trustees, and any such grantee under a conveyance made during the grantor's life, shall be liable for all such taxes, Collateral inheritance tax

with lawful interest as hereinafter provided, until the same shall have been paid, as hereinafter directed. Such taxes shall become due and payable immediately upon the death of the decedent, and shall at once become a lien upon said property, and be and remain a lien until paid. But the provisions of this act shall not apply to property, or interests in property, transmitted to the state of Ohio under the intestate laws of this state, or embraced in any bequest, devise, transfer or conveyance to, or for the use of the state of Ohio, or to or for the use of any municipal corporation or other political subdivision of said state for exclusively public purposes, or public institutions of learning, or to or for the use of, any institution in said state for purposes of purely public charity or other exclusively public purposes; and the property, or interests in property so transmitted or embraced in any such devise, bequest, transfer or conveyance is hereby declared to be exempt from all inheritance and other taxes, while used exclusively for any of said purposes.

Proviso.

Repeals, etc.

SECTION 2. That said section one of said act entitled "An act imposing a collateral inheritance tax," passed January 27, 1893, as amended April 30, 1894, be, and the same is hereby repealed, and this act shall take effect and be in force from and after its passage, and the exemptions declared and provided for in this act shall extend to all property, interests in property, and transmissions, bequests, devises, transfers or conveyances of property or interests in property falling within the terms of said exemptions, including such as may have passed or vested prior to the passage of this act, and on which such inheritance taxes have not been paid; and said exemptions shall extend to and govern all pending actions and existing causes of action involving such inheritance taxes.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 82G.

[House Bill No. 333.]

AN ACT

To amend section 98 of the Revised Statutes of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Governor:

SECTION 1. That section 98 of the Revised Statutes of Ohio, be amended to read as follows:

Appointment and duties of military staff.

Sec. 98. The governor, as commander-in-chief, shall appoint the following staff officers: One adjutant-general, with the rank of brigadier-general who shall also be inspector-general and chief of staff; one assistant adjutant-general, with the rank of colonel; one quartermaster-general,

who shall also be commissary-general of subsistence, one chief of engineers, one surgeon-general and one judge advocate-general, each of whom shall have the rank of brigadier-general; and such number of aides-de-camp with the rank of colonel, not exceeding twelve, as in his judgment the best interests of the service may require. The adjutant-general shall have an office in the state house and shall receive for his services a salary of two thousand dollars per annum. The assistant adjutant-general shall serve in the office of the adjutant-general, under his directions, and shall have authority to sign, officially, any copy, transcript, or other document pertaining to the records or duties of the office of the adjutant-general, and for his services shall receive a salary of fifteen hundred dollars per annum. In time of peace, and when not otherwise ordered by the governor, the adjutant-general shall also perform the duties of quartermaster-general.

Repeals.

SECTION 2. That section 98 of the Revised Statutes of Ohio, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 83G.

[House Bill No. 451.]

AN ACT

To amend section 3597 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Life insurance companies:

SECTION 1. That section 3597 of the Revised Statutes be amended to read as follows:

Definitions.

Sec. 3597. The word company or companies when used in this act shall mean any corporation or association authorized to do the business of life, accident or health insurance, either on the stock, mutual, stipulated premiums, assessment or fraternal plan.

Consolidation and reinsurance.

No company organized under the laws of this state to do the business of life, accident or health insurance, either on stock, mutual, stipulated premiums, assessment or fraternal plan, shall consolidate with any other company, or reinsure its risks, or any part thereof with any other company, or assume or reinsure the whole of [or] any portion of the risks of any other company, except as hereinafter provided; but nothing herein contained shall

Petition to superintendent of insurance

prevent any such company from reinsuring a fractional part, not exceeding one-half, of any single risk. When any such company shall propose to consolidate with any other company, or enter into any contract of reinsurance, it shall present its petition to the superintendent of the insurance department of this state, setting forth the terms and conditions of such proposed consolidation or reinsurance, and praying for the approval or of any modification thereof, which the commission hereinafter provided for may approve. The superintendent shall thereupon issue an order of notice, requiring notice to be given by mail to the policy-holders of such company, of the pendency of such petition, and the time and place at which the same will be heard, and the publication of said order of notice and said petition, in five daily newspapers designated by the superintendent, at least one of which shall be published in the city of Columbus, for at least two weeks before the time appointed for the hearing upon said petition. The governor of the state, or in event of his inability to act, some competent person resident of the state to be appointed by him, the attorney-general of the state, and the superintendent of insurance of the state, shall constitute a commission to hear and determine upon said petition. At the time and place fixed in said notice, or at such time and place as shall be fixed by adjournment, said commission shall proceed with said hearing, and may make such examination into the affairs and condition of said company as it may deem proper. The superintendent of the insurance department of this state shall have the power to summon and compel the attendance and testimony of witnesses and the production of books and papers before said commission. Any policy-holder or stock-holder of the above named company or companies may appear before said commission and be heard in reference to said petition. Said commission, if satisfied, that the interests of the policy-holders of such company or companies are properly protected, and that no reasonable objection exists thereto, may approve and authorize the proposed consolidation or reinsurance, or of such modification thereof as may seem to it best for the interests of the policy-holders, and said commission may make such order with reference to the distribution and disposition of the surplus assets of any such company thereafter remaining, as shall be just and equitable. Such consolidation or reinsurance shall only be approved by the consent of all the members of said commission, and it shall be the duty of said commission to guard the interests of the policy-holders of any such company or companies proposing to consolidate or reinsure. All expenses and costs incident to proceedings under this section shall be paid by the company or companies bringing said petition. Any officer, director or stock-holder of any such company or compaines violating or consenting to the violation of this section shall be punished by fine of not less than ten thousand dollars, and by imprisonment in a county or city jail for not less than one year.

Notice to policy holders.

Commission to hear and determine petition.

Costs.

Penalties.

SECTION 2. That section 3597 of the Revised Statutes of Ohio is hereby repealed and this act shall take effect and be in force on and after its passage. Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 84G.

[House Bill No. 212.]

AN ACT

To amend section 3140-2 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3140-2 be amended to read as follows: Infants:

Sec. 3140-2. The father, or, when charged by law with the maintenance thereof, the mother, of a legitimate or illegitimate child or children under sixteen years of age, living in this state, who being able, either by reason of having means, or by personal services, labor or earnings, shall neglect or refuse to provide such child or children with necessary and proper home, care, food and clothing, or said child being legally an inmate of a county or district children's home, shall neglect or refuse to pay to the trustees of such children's home, the reasonable cost of keeping such child in said home, shall upon conviction be deemed guilty of a felony and punished by imprisonment in the penitentiary for not more than three years, nor less than one, or in a county jail or in a work house at hard labor for not more than one year, nor less than three months; provided, however, if after conviction and before sentence he shall appear before the court in which said conviction shall have taken place, and enter into bond, to the state of Ohio, in the penal sum of one thousand dollars, to the approval of the court as to surety, conditioned that he will furnish said child or children with necessary and proper home, food, care and clothing, or, if said child or children be in a county or district children's home, that he will pay to the trustees of said home the reasonable cost of keeping said child or children while remaining in the same, to be fixed by the court as to the amount and times of payment, then said court may suspend sentence therein; provided that, when the offense charged is the neglect or refusing to pay to the trustees of the children's home the reasonable cost of keeping a child or children therein, the offense shall be held to have been committed in the county where such children's home may be situated; and provided further, that upon a failure of said parent to comply with said order an under- Abandonment of child by parent a felony.

... be arrested by the sheriff or other ... issued on the precipe of the prosecuting ... before the court for sentence, where- ... pass sentence, or for good cause shown, ... and take a new undertaking and fur- ... as may be just and proper.

... That said section 3140-2 be and the same ... repealed; and this act shall take effect on its

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

... April 6, 1900. 85G.

[House Bill No. 441.]

AN ACT

To amend sections 2476-25 and 2476-27 of the Revised Statutes of Ohio, as adopted April 16, 1880 (77 v. 296).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2476-25 and 2476-27 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 2476-25. The board shall, on the last Friday in April, annually, certify to the city council the amount necessary to be levied on the tax duplicate for the support of the department for the ensuing year, and so much thereof as may be allowed by the city council (which shall not be reduced below two mills on the dollar on the taxable property in said city), shall form a part of the tax levy and be placed to the credit of the board, and shall be used exclusively for the use of the department; and said board shall have no power to incur any liability on behalf of such city beyond the amount so levied and set apart to their order by the city council, and all claims on account of the department shall be approved by the board, and when so approved, the same shall be paid by the city treasurer, on the order of the board, signed by the president and secretary, in the same manner as provided for the payment of other claims.

Salaries of officers and members of fire department

Sec. 2476-27. In all cities of the second grade of the second class, the board of fire commissioners shall annually recommend to the city council, the salaries to be paid to the officers, and members of the department, and the city council shall thereupon fix such salaries, but at no greater rate than that recommended by the board; provided, however, the salary of captains shall be $1020; of engineers, $1020; of lieutenants, $960; of firemen, $900; of linemen, $960; substi-

tutes, first six months, $50 per month; second six months, $60 per month [per annum], and after the first year the pay shall be the same as the firemen. The pay in all cases except as otherwise provided, to be paid semi-monthly to the persons entitled thereto. All members of the fire department to be entitled to a vacation of one (1) week in each and every year, and every eighth day off, with pay.

SECTION 3. That said original section 2476-25 and 2476-27 of the Revised Statutes of Ohio, as adopted April 16, 1880 (77 v. 296), be and the same is hereby repealed. Repeals.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 86G.

[House Bill No. 440.]

AN ACT

To amend section 2795, Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2795, Revised Statutes, be amended by adding the following supplementary thereto to be known as section 2795-2: Assessing real estate:

[Sec. 2795-2.] The county commissioners of Montgomery and Butler counties, state of Ohio, are hereby authorized and directed to pay said assessors of real estate and their assistants the sum of one dollar per day for each day necessarily employed in the performance of their duties, in addition to the amount allowed by law, upon proper vouchers by said county commissioners. Pay of assessors of real estate in Montgomery and Butler counties.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 87G.

[House Bill No. 502.]

AN ACT

Regulating the sale of municipal property in certain cities.

Be it enacted by the General Assembly of the State of Ohio:

Lease or sale of corporate property in cities of the second class, third grade b (Hamilton).

SECTION 1. That in all cities of the second class, third grade *b*, wherein it is necessary and expedient, and for the best interest of the public, to sell or lease any of its public works as authorized by the 34th subdivision of section 1692, and sections 1552, 2673, 2673a and 2675, and any other section or parts of sections of the Revised Statutes of Ohio, the question of selling or leasing shall be submitted to the qualified electors of any such municipal corporations, at the first regular election after receiving bids therefor, in the manner prescribed in section 2673a of the Revised Statutes of Ohio, and if a majority voting at said election vote in favor of leasing or selling, then and not until then, shall any municipal public works be sold or leased.

Repeals, etc.

SECTION 2. All sections or parts of sections of the Revised Statutes of Ohio, and all acts and parts of acts in conflict and inconsistent with the provisions of this act, are hereby declared to be null and void as to such conflict and inconsistency, but not otherwise.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 88G.

[House Bill No. 444.]

AN ACT

To authorize the board of city affairs or such other boards as may have the powers vested in the board of administration in cities of the first grade of the first class to construct viaducts within the corporation limits thereof.

Be it enacted by the General Assembly of the State of Ohio:

In cities of the first grade of the first class, board of city affairs may construct viaducts, etc.

SECTION 1. That in cities of the first grade of the first class, the board of city affairs, or such other board as may have the powers heretofore vested in the board of administration in addition to the powers already possessed by it, with reference to streets, bridges and other public improvements, shall have the power to construct within the limits of such corporation, viaducts and elevated roads and footways over, along and across streets, alleys, highways, railroads, creeks and other public or private property.

Resolution declaring necessity of improvement; notice; definitions.

SECTION 2. Said board of city affairs, or such other board as may have the powers heretofore vested in the board of administration, shall declare by resolution the necessity of such improvement or improvements, and give notice thereof as is required of council in section 2304, Revised Statutes; the term "property abutting" therein to include property abutting upon any street used, crossed or covered by such improvement; and said board shall carry out and be governed by the provisions of said section 2304; and any duty therein required to be done or performed by council or any other board, shall devolve upon and be performed by the said board of city affairs or such other board as may have the powers heretofore vested in the board of administration. Said board shall have full and final authority in any such improvement, without the necessity of the concurrence of council or any other board, to make such changes in the grade of any streets, avenue, alleys and highways used, crossed or covered by such contemplated improvement, and to change, alter, widen, vacate, construct any streets, avenues, alleys and highways in the line of or adjacent to such contemplated improvement as it may deem advisable to best conform the same to such contemplated improvement, and such changes shall be shown in the plans and profiles provided in said section 2304.

Duty with respect to R. S. 2304.

Damages or compensation to property owners.

SECTION 3. The owner of a lot or tract of land bounding or abutting upon any such improvement, or upon any street used, crossed or covered, in whole or in part, thereby claiming damages by reason of such improvement, or compensation for any property taken for such improvement, shall file his claim for damages and compensation as provided in section 2315, Revised Statutes, or shall be deemed to have waived the same, and be barred as therein provided from filing his claim or from receiving damages and from claiming or receiving compensation for any property so taken; and all other questions pertaining to such claims for damages and compensation, and inquiry as to the amount thereof, shall be governed by the provisions of law now applicable to claims for damages, as provided in title 12, division 7, chapter 4, subdivision 2, Revised Statutes, except that in all cases concerning the class of improvements herein provided for the board of city affairs, or such other board as may have the powers heretofore vested in the board of administration, shall take the place and authority therein of council; and provided, that all awards for damages and compensation upon such inquiry shall be paid or secured to be paid as provided in sections 2247 and 2248, Revised Statutes; and provided further, that the amount of damages and compensation, as aforesaid, and costs awarded in such cases shall be paid out of the fund herein provided. No damages or compensation shall be awarded to the municipal corporation for the appropriation by it of any streets, highways, alleys, bridges or other property belonging to said municipality that may be necessary for the

construction, operation or use of the improvement herein contemplated.

Powers to purchase or condemn land.

SECTION 4. Said board of city affairs, or such other board as may have the powers heretofore vested in the board of administration shall have the power to purchase or appropriate, condemn and enter upon for the purpose of constructing such viaducts and any approaches thereto or any roads necessary to construct [connect] said viaducts with existing roads and for the purpose of widening or altering the line of any street, avenue, alley or highway used, crossed or covered by such viaduct and its approaches, and for any other purposes in connection therewith, and real estate, easement, franchise, right or other property within the corporate limits of any city of the first grade of the first class, which said board of city affairs, or such other board as may have the powers heretofore vested in the board of administration, shall deem necessary for such uses and purposes; and

Method of condemnation.

when said board shall determine upon any sueh appropriation, a resolution to that effect shall be passed by the said board of city affairs or such other board as may have the powers heretofore vested in the board of administration, and entered upon its minutes, declaring the intention to appropriate such property, and the necessity therefor, with a pertinent description of the property to be appropriated, which resolution shall be certified to the corporation counsel of such city, whose duty it shall then be to apply, in writing, in the name of such city, to the court of common pleas of the county, or a judge thereof in vacation, or to the probate court of the county, for the impaneling of a jury to assess the compensation to be allowed the owners of the property appropriated in the manner provided in chapter 3, title 12, division 7, of the Revised Statutes, for appropriating private property to the use of municipal corporations, and all proceedings hereunder, except as herein otherwise provided, shall be governed by the provisions of said chapter 3, title 12, division 7; provided, that if such proceedings are commenced in the probate court of said county, neither party shall have the right to appeal, but either party may institute proceedings in error, as provided by law. And the amount of purchase price of any property purchased or compensation adjudged to any owner or owners, together with the costs and expenses of such proceedings, shall be paid out of the fund herein provided.

Shall be governed by R. S. 2303.

SECTION 5. In making such improvements the board of city affairs or such other board as may have the powers heretofore vested in the board of administration, shall be governed by the provisions of section 2303 of the Revised Statutes, except that the said board of city affairs or such other board as may have the powers heretofore vested in the board of administration, shall have and exercise all the powers and perform all the duties of council, in the prosecution of said work. Said board shall, as to all the improvements, acts, and things hereinbefore authorized,

also have the powers conferred upon the council of municipal corporations by section 2263, Revised Statutes, and other provisions of law relating to streets, bridges and other public highways in municipal corporations; it being the intent and meaning hereof that in all improvements provided for by this act, and in the exercise of any and all powers hereby granted, it shall not be necessary to have the action or concurrence of council, or of any other board or officer in any such proceedings; and that said board shall possess, in addition to the powers hereby specifically granted, the powers already possessed by council or other municipal body or officer, as to streets, bridges and other public highways, to further effectuate and carry out the purposes of this act.

Bonds may be issued to provide funds.

SECTION 6. In order to provide a fund for the construction of any viaduct or elevated road or footway, under the provisions hereof, and for carrying out the several provisions of this act, the said board of city affairs, or such other board as may have the powers heretofore vested in the board of administration, shall be authorized to issue the bonds of such city to an amount not to exceed in the aggregate one hundred and seventy-five thousand dollars, in the name of said city, and under the corporate seal thereof, for the purpose of such contemplated improvement. Said bonds shall be made payable in not less than thirty years from the date of their issue, and shall bear interest at a rate not exceeding three and one-half per cent. per annum; said bonds shall be signed by the mayor, the president of said board, and attested by the city auditor, and shall be secured by the pledge of the faith of the city, and a tax which it shall be the duty of the council of said city annually to levy upon all taxable property of such city, in addition to the taxes now authorized by law, and certify the same to the county auditor upon a certificate to that effect from the said board of city affairs, or such other board as may have the powers heretofore vested in the board of administration, as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds.

Shall be sold to highest bidder.

SECTION 7. Said board of city affairs, or such other board as may have the powers heretofore vested in the board of administration, shall receive bids for said bonds after advertising the same for sale once per week for thirty days, on the same day of the week, in some newspaper of general circulation in said city, and shall sell the same for not less than the par value thereof, with accrued interest, to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund called "the viaduct fund." A careful account of the condition of said fund shall be separately kept by the auditor of said city.

SECTION 8. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 89G

[House Bill No. 630.]

AN ACT

To amend section 2468 of the Revised Statutes of Ohio, as amended April 26th, 1898 (93 v. 394.)

Be it enacted by the General Assembly of the State of Ohio:

Fire department:

SECTION 1. That section 2468 of the Revised Statutes of Ohio, as amended April 26th, 1898, be amended so as to read as follows:

Officers and salaries in Cleveland.

Sec. 2468. In all cities of the second grade of the first class there shall be one chief of the fire department, whose salary shall be not less than thirty-five hundred dollars per annum; a first assistant chief who shall receive not less than twenty-five hundred dollars per annum; a second assistant chief who shall receive not less than twenty-three hundred dollars per annum; and such battalion chiefs not to exceed four in number as the council may provide from time to time, each of whom shall receive not less than two thousand dollars per annum; a superintendent of machinery, who shall receive not less than two thousand dollars per annum and shall rank as a battalion chief; and other members of such department, not otherwise provided for by law, shall each receive the following annual salaries: Captains not less than thirteen hundred and twenty-three dollars; engineers not less than thirteen hundred and eleven dollars; a storekeeper, not less than eleven hundred and eighty-five dollars; lieutenants not less than eleven hundred and eighty-five dollars; assistant engineers not less than eleven hundred and seventy-three dollars: a chief operator, not less than fifteen hundred dollars; a secretary, not less than two thousand dollars; all operators and linemen not less than eleven hundred anl eighty-five dollars; all firemen not less than eleven hundred and four dollars. The pay, in all cases, except as otherwise provided for, shall be fixed by the city council and the salaries shall be paid semi-monthly, to the persons entitled thereto, provided that no increase, exceeding ten per cent, shall be made in any of such stated annual salaries.

Repeals, etc.

SECTION 2. That section 2468 of the Revised Statutes of Ohio, as amended April 26th, 1898 (93 v. 394) is repealed, and all the provisions of any statute or part of statute of this state, in force when this act takes effect,

which conflict with any provision of this act, shall be held to be superceded by the latter, and not otherwise, and as to the matter of inconsistency, and not otherwise, the same are hereby repealed.

SECTION 3. This act shall take effect on January 1, A. D. 1901.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 90G

[House Bill No. 341.]

AN ACT

To supplement section 4413 of the Revised Statutes of Ohio, as amended March 19th, 1889.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4413 be supplemented by a supplementary section as follows:

Second-hand stores and junk-shops:

If such purchaser is a peddlar, he need not hold said property thirty days.

Sec. 4413*a*. But in case any said purchaser, or receiver by exchange or otherwise, as described in said section 4413, is a peddlar, or goes about with a wagon to purchase or obtain by exchange or otherwise, any of said articles, not excepted, and does not have a place of business in any building, he need not hold said articles for thirty days before selling the same, but may sell at any time, provided he shall on Monday of each week file with the mayor of the city or village in which is located the place of business of the person to whom such sale is made a copy of the record required by said section 4413 to be kept in a separate book, of the articles purchased or received during the preceding week, including such full description of all said articles sold, to whom sold and his place of business. The provisions of section 4414 shall apply to all persons violating the provisions hereof or of said section 4414.

SECTION 2. That this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 91G

[House Bill No. 75.]

AN ACT

To amend sections 769, 772 and 774 of acts relative to the girls' industrial home.

Be it enacted by the General Assembly of the State of Ohio:

Girls industrial home:

SECTION 1. That sections 769, 772 and 774, relative to the girls' industrial home, be amended to read as follows:

Girls charged with commission of offenses, etc., entitled to hearing before commitment; issuing of process by probate court.

Sec. 769. Whenever a resident citizen shall file with the probate judge of his county, his affidavit, charging that a girl above the age of nine years and under the age of sixteen years, who resides in such county, has committed an offence, punishable by fine or imprisonment, other than imprisonment for life, or that she is leading a vicious or criminal life, it shall be the duty of such judge to fix a time not more than five days from the time such affidavit is filed for hearing the complaint set forth in such affidavit, and he shall forthwith issue a warrant to the sheriff of such county, or some other suitable person, commanding him to bring such girl before such judge at his office, at the time fixed for such hearing, and shall also at the same time issue an order in writing, addressed to the father of such girl, if living and resident of such county, and if not living and so resident, then to her mother if living and so resident, and if there is no father or mother so resident, then to her guardian if so resident, and if not, then to the person with whom the girl resides, requiring such father, mother, guardian or other person to appear before such probate judge at such hearing, and such judge is authorized to continue such proceeding from day to day, and issue all necessary subpœnas for witnesses.

Governor may remove a female convict to the home.

Sec. 772. A girl under the age of eighteen years sentenced to imprisonment in the penitentiary, county jail or other penal institution, may, at any time after such sentence and before the expiration thereof be removed on the warrant of the governor at the expense of the state, to the industrial home, when it is made to appear to him that such removal will conduce to her reformation and not be prejudicial to society.

Proceedings when a girl charged with criminal offense.

Sec. 774. When a girl between nine and sixteen years of age is brought before a court of criminal jurisdiction, charged with an offence, punishable by fine or imprisonment, other than imprisonment for life, and who, if found guilty, would be a proper subject for commitment to the home, it shall thereupon, by warrant or order, cause such girl to be forthwith taken before the probate judge of the proper county, and shall transmit to him the complaint, and indictment, or warrant, by virtue of which she had been arrested, when the probate judge shall proceed in the same manner as if she had been brought before him upon original complaint, as is provided in this chapter.

Repeals.

SECTION 2. That said sections 769, 772 and 774 be and the same are hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 92G

[House Bill No. 8.]

AN ACT

To amend section 1284 of the Revised Statutes of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1284 of the Revised Statutes of Ohio be amended so as to read as follows:

Salaries of state officers:

Salaries of state and other officers.

Sec. 1284. (Salaries of state and other officers.) Annual salaries shall be allowed as follows: To the governor, eight thousand dollars; private secretary to the governor, eight hundred dollars; executive clerk of the governor, fifteen hundred dollars; adjutant general, two thousand dollars; assistant adjutant general, fifteen hundred dollars; lieutenant governor, eight hundred dollars; judges of the supreme court and supreme court commission, five thousand dollars each; judges of the common pleas courts and of the superior courts, twenty-five hundred dollars each; secretary of state, two thousand dollars; treasurer of state, three thousand dollars; auditor of state, three thousand dollars; attorney general, fifteen hundred dollars; state librarian, fifteen hundred dollars; assistant state librarian, twelve hundred dollars; law librarian, fifteen hundred dollars; assistant law librarian, one thousand dollars; superintendent of the deaf and dumb asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; assistant matrons of same, each, three hundred dollars; physician of same, three hundred dollars; superintendent of blind asylum, twelve hundred dollars; steward of same, eight hundred dollars; matron of same, four hundred dollars; superintendent of imbecile asylum, twelve hundred dollars; matrons and teachers of same, each, four hundred dollars; superintendent of soldiers' and sailors' orphans' home, twelve hundred dollars; matron of same, four hundred dollars; superintendent of asylums for the insane, each, twelve hundred dollars; assistant physicians of same, each, seven hundred dollars; stewards of same, each, eight hundred dollars; matrons of same, each, four hundred dollars; superintendent of boys' industrial school, twelve hundred dollars; matron of same, four hundred dollars; superintendent of girl's industrial home, twelve hundred dollars; matron of same, four hundred dollars; clerk of supreme court, fifteen hundred

dollars; and for service while acting as clerk of supreme court commission, five hundred dollars; chief deputy clerk of supreme court, thirteen hundred dollars; second deputy clerk of supreme court, eleven hundred dollars; commissioner of railroads and telegraphs, two thousand dollars; superintendent of insurance, two thousand dollars; inspector of mines, two thousand dollars; commissioner of labor statistics, two thousand dollars; supervisor of public printing, eighteen hundred dollars; and state commissioner of common schools, two thousand dollars.

Repeals, etc.

SECTION 2. That said original section 1284 be and the same hereby is repealed; and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 93G

[House Bill No. 779.]

AN ACT

To supplement section 2907 of the Revised Statutes of Ohio relating to listing for taxation and sale of forfeited lands.

Be it enacted by the General Assembly of the State of Ohio:

Forfeited lands:

SECTION 1. That the following section shall be enacted as supplementary to section (2907) twenty-nine hundred and seven of the Revised Statutes of Ohio, with sectional numbering as follows:

Cases when taxes to be computed upon basis of new decennial appraisement.

Sec. 2907*a*. In all cases where any lot, outlot or land has been offered for sale, and has not been sold for want of bidders and has been forfeited to the state of Ohio, for the non-payment of taxes, and has stood on the tax duplicate of any county, as forfeited for a period of two years next prior to the time fixed by law for taking any decennial appraisement of the lots, or outlots and real estate of the county, the county auditor is hereby authorized, empowered and required, upon application of the owner of any such forfeited lot, outlot or land, to readjust the taxes upon such property that may at such decennial appraisement, so be delinquent, and compute the taxes on the same upon the basis of the new decennial appraisement; and in making such readjustment, he shall compute the taxes upon such lot, outlot or lands, for each and every year such taxes are unpaid, by computing the amount at the rate for each year upon the new decennial valuation, and upon the payment of the taxes so readjusted, the auditor is hereby authorized and required to issue to the owner of such lots, outlots or lands a remit for the amount of the difference between the delinquent taxes charged on such lots, outlots

Remittance of difference.

or lands and the amount of taxes found to be due on such real estate under such readjustment.

Compensation of auditor.

Sec. 2907*b*. For making said readjustment, the county auditor shall be entitled to and shall receive from the owner of such lot, outlot or lands, in full compensation for his services in the premises, the sum of ten (10) cents per year for each lot, outlot or parcel of land, which shall be his compensation in full for transferring upon his record such lots from the state of Ohio, to the owner thereof and for readjusting such taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 94G

[House Bill No. 13.]

AN ACT

Making appropriation for the relief of certain persons who formerly held lands in the Virginia military district of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for certain persons from Ohio state university fund.

SECTION 1. That there be, and there is hereby appropriated, as payment in full of all claims, out of any money in the treasury, to the credit of the Ohio state university fund, for the relief of the persons hereinafter named, who held unpatented grants of land in the "Virginia military district of Ohio," and were compelled to pay the Ohio state university for said lands, the following sums:

Wm. W. Feike, Adm'r of Stephen Feike, deceased	$500 00
William Lawson	150 00
Henry H. Cuppett & David L. Webb ($326.50)	
Henry H. Cuppett & David L. Webb ($250.00)	576 50
Isom Branham	173 00
James Branham	124 50
Emily N. Parker	215 00

The auditor of the state shall draw his warrant on the treasurer of state in favor of the persons above named, and for the amounts stated, or so much thereof as may be found due, upon orders of the secretary of the state, auditor of state and attorney general, after investigation, as provided in section 1 of the act of May 21, 1894 (91 O. L., 375).

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 95G

[House Bill No. 244.]

AN ACT

To amend sections 1 and 2 of an act passed April 19, 1898, by the general assembly of the state of Ohio, and to repeal all of said act except sections 3 and 4 thereof, and to amend section 4213.

Be it enacted by the General Assembly of the State of Ohio:

Animals:

SECTION 1. That said sections 1 and 2 be and they are hereby amended to read as follows:

When dog to be considered property.

Sec. 1. Any animal of the dog kind listed and valued for taxation as other [personal] property, and due return thereof made by the owner or harborer to the assessor or county auditor and the per capita tax upon such animals in addition to the proper tax on any valuation which may have been placed on such animal by the owner or harborer thereof shall have been paid, when due, shall be considered as property, and such animal shall have all the rights and privileges and be subject to the same restraints as are provided by law for other live stock; provided that no recovery shall be had for the malicious and unlawful killing of such animal, in excess of double the amount for which any such dog is listed for taxation; provided, further, that nothing in this section shall be so construed as to make it unlawful for any person to kill any animal of the dog kind, that chases, worries, injures or kills any sheep, lamb, goat, kid, domestic fowl, animal or person; and provided, further, that if any person in attempting to kill such animal so running at large, fails to kill, and wounds the same, he shall not be liable to prosecution under section 6951 which provides against cruelty to animals.

Limit of damages recoverable; proviso.

When dog may be killed at any time; owner liable for damages.

Sec. 2. Any animal of the dog kind that chases, worries, injures, or kills any sheep, lamb, goat, kid, domestic fowl, animal or person, may be killed by any person, at any time or place. And the owner, owners or harborers of any animal of the dog kind that chases, worries, injures, or kills any sheep, lamb, goat, kid, animal or person, shall be jointly and severally liable to any person so damaged to the full amount of the injury done; and the court or justice, before whom the recovery is had for any such injury shall declare the animal found to have occasioned the injury to be a common nuisance and order the defendant to kill or cause to be killed such animal within twenty-four hours after the rendition of the judgment; or the court or justice may order any constable or marshal or sheriff to kill such animal.

Repeals, etc

SECTION 2. That said original section 4213 and sections 1 and 2 of the act passed April 19, 1898, Ohio laws, vol. 93, pages 128 and 129, are hereby repealed and all other laws or part or parts of laws in conflict with the provisions of this act to the extent of such conflict and no further, are hereby superseded.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 96G

[House Bill No. 312.]

AN ACT

To authorize and empower cities of the second class, fourth grade, to cause streets and alleys to be paved with vitrified brick, asphalt, or other permanent pavement, to pay one-half the costs and expenses thereof, and to issue bonds for such purpose.

Be it enacted by the General Assembly of the State of Ohio:

Pavement of streets in cities of the second class, fourth grade.

SECTION 1. That all cities of the second class and fourth grade be and the same are hereby authorized and empowered to cause any street or alley or part thereof between designated points to be paved with vitrified brick, asphaltic or other permanent pavement under the provisions of this act, when a majority of the owners of real estate bounding and abutting said street or alley or part thereof between designated points represented by the feet front, petition therefor.

Petition of property owners.

SECTION 2. Said petition shall be signed by a majority of the owners of abutting real estate between the points designated, their agents or attorneys, stating the number of lot and amount of feet fronting on such street and the material to be used for paving such street [or alley] or part thereof.

Notice of filing of petition.

SECTION 3. When such petition is presented, the council shall give notice of the filing thereof to all parties interested, by publishing such notice in a newspaper printed and of general circulation in said city, for ten days, and the council shall set some day when the same shall be heard, and it is found that a majority of owners, between the points designated, represented by the feet front have signed such petition, that the material petitioned for is [a] proper one and that the improvement is necessary, the council shall declare such improvement necessary by resolution and shall give notice of the passage thereof in the manner now prescribed by the Revised Statutes of Ohio.

How expense to be apportioned.

SECTION 4. The city may pay any portion of the costs and expenses of said improvement, not exceeding one-half thereof, and the remainder shall be assessed upon the abutting property. Said assessments shall be payable in ten equal, annual installments, unpaid portions thereof to bear interest at the rate of six per cent. per annum, and bonds may be issued in anticipation of the collection of

such assessments; provided, however, that all owners of abutting real estate shall have at least thirty days in which to pay such assessments in cash, and the bond to be issued shall be reduced by deducting the amount so paid.

Bonds to be issued to pay for city's portion.

SECTION 5. In order to provide a fund for the payment of the city's portion of the costs and expenses of such improvement, councils of such cities are hereby authorized and empowered to issue the bonds of such city entitled "street paving bonds," in such sum as will pay not exceeding one-half of the actual costs and expenses only, to be issued and sold according to law, and shall be payable in ten equal, annual installments from the date thereof, and shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, and the proceeds thereof, together with the amount assessed upon abutting property, shall be applied in payment of the contractor of such improvement, and other costs and expenses thereof.

Total amount of bonds.

SECTION 6. The total amount of bonds to be issued to pay the city's portion of the work shall at no time exceed the sum of fifty thousand dollars.

When assessment to be made.

SECTION 7. The assessments upon abutting real estate shall be made when the contract is completed, and the payment of the costs and expenses thereof when the assessment is made and the bonds issued and sold, and the provisions of section 2702 shall not apply to contracts made under the provisions of this act.

When street railroad to bear part of expense.

SECTION 8. Provided, however, that if any street shall be improved, upon which any street railroad has been erected, such street railroad company shall pay in cash the amount necessary to pave the space between its rails, or such greater distance as may have been or may be agreed upon by said municipal authorities and companies, and the amount to be paid by the city and the abutting owners shall be reduced proportionately.

Repeals and amendments.

SECTION 9. All other provisions of the Revised Statutes relative to the improvement of streets and alleys, and assessments to pay the costs thereof, not inconsistent with the provisions of this act, shall remain in full force and be followed by councils of such cities in making improvements and assessments therefor.

House connections with gas and water mains.

SECTION 10. Such cities shall have power to provide that all house connections with gas and water mains and with sewers to the curb line of the street shall be made before such paving shall be begun, and that after such street or part thereof shall have been paved, as hereinbefore provided, such pavement shall not be disturbed for a period of five years.

Levy for payment of bonds.

SECTION 11. Such cities are authorized to levy upon all the taxable property in such cities such sum as shall be necessary to pay the principal and interest of the bonds, issued pursuant to this act, in addition to the other levies authorized by law.

SECTION 12. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives
JNO. A CALDWELL,
President of the Senate.

Passed April 10, 1900. 97G

[Senate Bill No. 277.]

AN ACT

To amend section 3648 of the Revised Statutes of Ohio, as amended April 14, 1888 (85 O. L., 273, 274.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3648 of the Revised Statutes of Ohio, as amended April 14, 1888, be so amended as to read as follows:

Insurance companies other than life:

Sec. 3648. No fire insurance company organized under any law of this state shall make any dividend except from the surplus profits arising from its business; and in estimating such profits there shall be reserved therefrom:

Dividends to be payable from surplus profits only; reservations therefrom;

First. A sum equal to fifty per cent. of the whole amount of premiums on unexpired risks and policies, which is hereby declared to be unearned premiums.

Second. All sums due the company on bonds and mortgages, bonds, stocks, and book accounts, of which no part of the principal nor the interest thereon has been paid during the preceding year, and on which an action has not been commenced, or which, after judgment obtained thereon, has remained more than two years unsatisfied, and on which interest has not been paid; and

Third. All interest due or accrued, and remaining unpaid, for which the company does not hold securities as hereinbefore provided. Any dividend made contrary to the provisions of this section shall subject the company which makes the same to a forfeiture of its charter, and each stockholder who receives it to a liability to the creditors of the company to the extent of the dividend received, besides the other penalties and punishments prescribed by law; but this section shall not prevent the declaration of scrip dividends by participating or mutual companies, yet no such scrip dividend shall be declared to an amount in excess of or be paid except from profits, after reserving all sums above provided, including the whole amount of premiums on unexpired risks; and the word "year," wherever used in this section shall be construed to mean the calendar year, and the "profits" of a mutual insurance company are that portion of its cash funds not required for payment of losses and expenses nor set apart for any

Penalties for violation of this section.

Scrip dividends by participating or mutual companies.

Interpretation of words "year" and "profits".

Accumulation of a permanent fund.

purpose required by law. Any such company may in its by-laws, provide for the accumulation of a permanent fund, by reserving a portion of the net profits, to be invested and be a reserve for the security of the insured. When the business of such company is confined to the state of Ohio, such reservation shall not exceed twenty-five per cent. of said net profits; and when the sum so accumulated amounts to two per cent. of the sum insured by all policies in force, the whole of the net profits thereafter shall be divided among the insured at the expiration of their policies. But, any such company doing business outside the state of Ohio may set aside and thereafter maintain a permanent fund equal to the minimum amount of net cash assets or capital required to do business in any other state or states, according to the insurance laws thereof. The permanent fund so accumulated shall be used for the payment of losses and expenses, whenever the cash funds of the company in excess of an amount equal to its liabilities are exhausted; and whenever the said fund is drawn upon, the reservation of profits as aforesaid shall be renewed or continued until the limits of accumulation as herein provided is reached, but within a reasonable time after the determination of any policy the owner thereof shall be entitled to receive, and shall be paid his pro rata share of all net profits not included in the aforesaid permanent fund, and a scrip dividend for his contribution to said fund.

Rights of policyholder after determination of policy.

Repeals.

SECTION 2. That said section 3648, as enacted April 14th, 1888, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 10, 1900. 98G

[House Bill No. 19.]

AN ACT

To appoint a commission to investigate the existing methods of employing convict labor.

Be it enacted by the General Assembly of the State of Ohio:

Commission to investigate existing methods of employing convict labor.

SECTION 1. That the governor be, and he is hereby authorized and directed to appoint within thirty days after the passage of this act, a commission of four electors of the state, not more than two of whom shall belong to the same political party, and at least one of whom shall be a representative of organized labor in the state. It shall be the duty of the said commission to thoroughly investigate

the condition of the prisoners confined in the various penal and reformatory institutions of the state and of the various workhouses of the state; and to familiarize itself with the manner of employing the inmates of all of said institutions. The said commission, in the prosecution of such investigation, shall have the power to send for persons and papers. The said commission shall, in its discretion, also visit similar institutions in other states of the union where different systems of employing convict labor is in force; to thoroughly investigate the relations which convict labor in such other states sustains to the free labor of such states; to gather such information and facts at the institutions so visited as may be of use in determining what system can be devised to furnish remunerative and healthful employment to the inmates of the penal and reformatory institutions of this state and of the various workhouses in the state in such manner as will conflict as little as possible with the interest and welfare of free labor, and such as will prepare the inmates of said institutions, after their discharge therefrom, for employment and qualify them, as far as may be, for honest self-support. If said commission shall suggest any change or changes in the manner of employing the labor of the inmates of the various penal and reformatory institutions of the state, including the workhouses of the state, it shall thoroughly investigate and determine what amount of money will be required to be expended by the state for new machinery, tools and raw material in order that such changes may be made effective.

Commission shall consider employment furnished inmates of benovelent institutions.

SECTION 2. Said commission, in the prosecution of its work, shall give full consideration to the employment now furnished the inmates of the benevolent institutions of the state, said employment being essential to the successful administration of said benevolent institutions, and to all of the laws of the state bearing upon the commitment and detention of prisoners and their reformation.

Report to governor.

SECTION 3. The said commission shall make a full and complete report of the results of its investigation, with its suggestions to the governor of the state of Ohio not later than November 15th, 1901. There is hereby appropriated out of the general revenue fund of the state of Ohio, not otherwise appropriated, the sum of $6,000 with which to pay the necessary expenses and per diem of the members of said commission shall receive, in addition to their actual expenses, the sum of $10 per day for each day's service employed in the work of the commission; provided, that the work of said commission shall cover not to exceed one hundred working days.

SECTION 4. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.

JNO. A. CALDWELL,
President of the Senate.

Passed April 11, 1900.

99G

[Senate Bill No. 153.]

AN ACT

To provide compensation and clerks for the state board of equalization of appraisement of real estate.

Be it enacted by the General Assembly of the State of Ohio:

Compensation for state board of equalization.

SECTION 1. That each member of the state board of equalization, including the auditor of state, for the equalization of real property of the state, as returned to the auditor of state by the several county auditors of the state, shall be entitled to receive for each day necessarily employed in the performance of his duties, the sum of five dollars ($5.00), also twelve cents per mile each way, for traveling from and to his place of residence, by the most direct route of public travel, to and from the seat of government. Said board shall organize by electing one of its members president and one president pro tem. Said board shall also elect a clerk and two assistant clerks, one sergeant-at-arms and two assistants, one porter and two pages, and for each day necessarily employed in the performance of his duties, the clerk, sergeant-at-arms and their assistants shall receive each five dollars ($5.00), the porter three dollars and fifty cents ($3.50), and each page two dollars and fifty cents ($2.50). The compensation of the members and employes shall be certified to the auditor of state by the president or president pro tem.

Organization of board; clerks and their salaries.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 100G

[House Bill No. 290.]

AN ACT

To authorize the governor of Ohio to make a conveyance of certain canal lands in Troy, Miami county.

Be it enacted by the General Assembly of the State of Ohio:

Governor authorized to convey certain canal lands in Miami county.

SECTION 1. That the governor be, and he is hereby empowered and authorized to make a conveyance to Samuel A. Cairns, of Miami county, his heirs and assigns forever of the following lands, to-wit: All the state's interest in lots known as parts of inlots numbers 934 and 935 in the city of Troy, county of Miami, state of Ohio, and being so much of the canal property of the state of Ohio as extends the whole distance from Mulberry street to Walnut street and running one hundred (100) feet back from

Canal street to the canal, in width about two hundred and thirty (230) feet.

SECTION 2. The said conveyance to be made upon the condition that the said Samuel A. Cairns pay into the state treasury the sum of three hundred dollars ($300), one hundred and twenty-five dollars of which has been paid, leaving a balance which with accrued interest is one hundred seventy-six and 20-100 dollars, which sum shall be paid into the canal fund. Upon what condition.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 101G

[House Bill No. 740.]

AN ACT

To amend section 3886 of the Revised Statutes of Ohio, as amended April 21, 1898.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3886 of the Revised Statutes of Ohio, as amended April 21, 1898 (93 O. L., 165), be amended so as to read as follows: Classification of districts, etc.:

Sec. 3886. Each city having a population of ten thousand or more, together with the territory attached to it for school purposes, if any, and excluding the territory within its corporate limits detached for school purposes, if any, shall constitute a school district to be styled a city district of the first class; cities of the first, second and third grades of the first class, together with the territory outside of their respective corporate limits, if any, attached to them for school purposes, and excluding the territory within their corporate limits, detached for school purposes, if any, shall constitute respectively school districts to be styled city districts of the first, second and third grades of the first class; and each district that has heretofore been constituted a city district of the first class, shall remain such, except as herein otherwise provided. City districts of the first class. City districts of the first, second and third grades of the first class.

SECTION 2. That said section 3886, as amended April 21, 1898, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 102G

[House Bill No. 820.]

AN ACT

To amend section 7 of an act entitled "An act to amend sections 546, 547, 1070, 1117, 1157, 1260, and to revive section 1069 of the Revised Statutes, and to repeal certain acts therein named," passed March 22, 1893, 90 laws of Ohio, 104, 113.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7 of an act entitled "An act to amend sections 546, 547, 1070, 1117, 1157, 1260 and to revive section 1069 of the Revised Statute, and to repeal certain acts therein named," passed March 22, 1893, be and the same is hereby amended, so as to read as follows:

Disposition of fees collected by certain officers in Hamilton county.

Sec. 7. The provisions of this act shall not apply to Cuyahoga county, and in other counties, except Hamilton county, probate judges, auditors, treasurers, recorders, and clerks of the court of common pleas elected prior to May 4, 1891, shall, during the term for which they were then elected, continue to receive the fees and compensation fixed and provided by law at the time of their election. The provisions of this act shall apply to Hamilton county, but all the fees and compensation received and collected as herein provided, shall be paid into the county treasury in accordance with section one thousand three hundred and forty-one (1341) of the Revised Statutes. And all officers of said county herein provided elected since May [March] 22, 1893, shall be entitled to receive and collect said fees and compensation from and after said date, but the sum so collected shall be paid into the county treasury as provided in said section one thousand three hundred and forty-one (1341).

Repeals.

SECTION 2. Said original section 7 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 103G

[House Bill No. 598.]

AN ACT

To supplement section 2670–2 of the Revised Statutes of Ohio, to be known as section 2670–3, to authorize cities of the first class and fourth grade to provide for licensing the owners of vehicles.

Be it enacted by the General Assembly of the State of Ohio:

Licenses, etc.

SECTION 1. That section 2670-2 be supplemented so as to read as follows:

Licensing of vehicles in Canton.

Sec. 2670-3. The council of any city of the first class of the fourth grade may provide by ordinance for licensing all owners of bicycles and vehicles of every kind used in the city; but no license fee shall be required of farmers marketing the products of their farms; nor shall farmers be liable for vehicles or any license whatever for marketing, selling, hawking or peddling the products of their farms, or for hauling any produce into or from such city to the country; nor shall any license fee be required of gardeners, fruit growers or florists, or persons living without said city and engaged in huckstering and marketing country produce into or from said city, or from persons engaged in farming, gardening or huckstering, hauling goods or merchandise to or from said city; nor shall any license fee be required of the persons living without said city, using a bicycle, buggy, sulky or carriage in going to and from said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 104G

[House Bill No. 125.]

AN ACT

For the relief of Priscilla Tibbetts, mother of Charles A. Tibbetts, deceased, late sergeant of company F, 3rd regiment I., O. N. G.

Be it enacted by the General Assembly of the State of Ohio:

Warrent in favor of Priscilla Tibbetts.

SECTION 1. That the auditor of the state of Ohio be, and he is hereby, authorized and required to issue his warrant on the state treasurer to pay to the trustee to be appointed by the probate judge of Clark county, Ohio, of Priscilla Tibbett, widowed mother of Charles A. 8ibbetts, deceased, late sergeant of company F, 3d regiment I, O. N. G., and now living at Springfield, Ohio, the sum of nine hundred dollars, which sum shall be in full liquidation and payment for all expenses and charges incurred incident to the sickness, death and burial of said son, who died February 16, 1887, of disease contracted in the line of duty as a member of the Ohio national guard, while aiding in suppressing the riot in Cincinnati, in March and April, 1884.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 105G

[Senate Bill No. 346.]

AN ACT

To supplement an act entitled "An act to provide for the redemption and payment of bonds and of interest on the mortgage debt upon the state fair grounds," passed February 27, 1900; and to provide for the payment of interest on bonds authorized by an act of the general assembly entitled "An act to authorize the Ohio state board of agriculture to issue bonds for the purpose of making improvements and erecting buildings, in order to properly comply with the requirements of section 3693 of the Revised Statutes of Ohio," passed March 29, 1900.

Preamble.

WHEREAS, The general assembly of the state of Ohio did, on the 27th day of February, 1900, pass an act entitled "An act to provide for the redemption and payment of bonds and of interest on the mortgage debt upon the state fair grounds," which among other things, undertook to provide for the payment of interest on the eighty thousand ($80,000) dollar bond issue of the state board of agriculture, authorized by act of the general assembly, passed April 12, 1898, for the years 1900 and 1901, but because of an error in computing the interest to become due on said bonds, only one-half the interest was really provided for; and

WHEREAS, The general assembly of the state of Ohio did, on the 29th day of March, 1900, pass an act entitled "An act to authorize the Ohio state board of agriculture to issue bonds for the purpose of making improvements and erecting buildings, in order to properly comply with the requirements of section 3693 of the Revised Statutes of Ohio," but no provision was made for paying the interest on the bonds to be issued by authority of said act; therefore

Be it enacted by the General Assembly of the State of Ohio:

Appropriation to pay interest on bonded debt of the state board of agriculture.

SECTION 1. That there be and is hereby appropriated from any money to the credit of the sinking fund, not otherwise appropriated, the following sums for the purpose of paying interest on the bonded debt of the state board of agriculture, as herein named: To pay balance of interest on the eighty thousand ($80,000) dollar bond issue of said board for the years of 1900 and 1901 (not already provided for by the act passed February 27, 1900), four thousand ($4,000) dollars; to pay four months' interest on the one hundred and twenty thousand ($120,000) dollars of bonds authorized by act of the general assembly, passed March 29, 1900, due September 1, 1900, two thousand ($2,000) dollars; and for one year's interest on said issue, payable March 1 and September 1, 1901, six thousand ($6,000) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 106G

[House Bill No. 557.]

AN ACT

To authorize township trustees to create road districts and improve the roads therein.

Be it enacted by the General Assembly of the State of Ohio:

Township trustees may create township into road district for purpose of improving public ways.

SECTION 1. That the trustees of any township, whenever in their opinion it is expedient and necessary, and for the public convenience and welfare, to improve the public ways of said township, in whole, or in part, by grading, macadamizing or gravelling, draining, culverting, and bridging, may, by resolution, create said township into a road district for the purpose of improving the public ways therein, or any number of them; and when, in any such township, there may be a municipal corporation, or municipal corporations, such trustees may, by such resolution, erect the portion, or portions, of such township not included within the corporate limits of any such municipal corporation, or municipal corporations, into such road district; and in like manner the township trustees may erect any election precinct, or part of election precinct, in such township, into such road district; and any road district, so created, shall be given an appropriate name, by which it shall be known and designated.

May borrow money and issue bonds.

SECTION 2. That in order to provide means for improving the public ways in any such road district, the township trustees may, if in their judgment it is expedient and necessary to do so, borrow money and issue bonds of such road district for the payment of the same; such bonds to be issued at such times, and in such amounts, as the work progresses, as may, in the judgment of the township trustees, be necessary for the purposes of such road improvements; and such bonds shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, shall be in denominations of not less than one hundred and not more than one thousand dollars each, as may be determined by the trustees, shall not run longer than twenty years, as may be determined by the trustees, and shall be signed by the township trustees, or a majority of them, and attested by the township clerk; and the interest shall be evidenced by appropriate coupons attached to each bond, and authenticated by the signature of the township clerk; provided, that it shall not be lawful for the township trustees to cause to be outstanding more than one hundred thousand dollars par value of such bonds of such road district, at any one time; nor to issue, under any single vote, more than the aggregate amount stated in the notice of the election therefor.

Limit of issue.

Question to be submitted to electors.

SECTION 3. That before the improvement of any such public ways shall be undertaken, and before any bonds shall be issued under this act to pay for such improvements, the question of improving said public ways and of issuing bonds under, and in accordance with. this act, shall be

submitted to the qualified electors of such road district, at a general or special election of which, of the purpose, time and place, within such township, of holding which, and of the aggregate amount of bonds proposed to be issued, said trustees shall have caused not less than ten days' notice to be given in the manner as provided by the laws of Ohio for other general or special elections, as the case may be.

Ballots for election.

SECTION 4. That whenever the township trustees shall determine to submit such question to the electors of any such road district, they shall pass a resolution to that effect, in which resolution the boundaries of such road district, if they be not co-incident with the boundaries of the township, shall be designated; and the clerk of said township shall file a certified copy of such resolution with the deputy state supervisors of elections of the county in which such road district is located, not less than fifteen days before the time therein fixed for said election; and the deputy state supervisors of elections shall cause to be prepared and furnished at the expense of such township, ballots for said election, on which shall appear the words "Road improvement bonds—Yes," "Road improvement bonds—No;" and when such road district is a part of a township the notice of the election above provided to be given shall designate the boundaries thereof.

Judges and clerks of election.

SECTION 5. That, at any election held thereunder, the judges and clerks of election for the time being of the township in which the same is held, shall act as judges and clerks, and vacancies shall be filled in like manner as in other elections; and such officers shall certify the result of said election forthwith after it shall have been ascertained, to the clerk of said township, who shall abstract and record the same, and the electors at such election, desiring to vote in favor of the proposition shall place a cross mark, in black lead pencil, to the left of the words "Road improvement bonds—Yes," and those desiring to vote against said proposition shall place such cross mark to the left of the words "Road improvement bonds—No;" and if a majority of the votes cast, upon such question, at such election, shall be in favor of the proposition, the township trustees shall proceed to improve the public ways of such road district and to issue bonds to provide means therefor; and the township clerk shall forthwith certify the result of said election and the description of the boundaries and the name of such road district to the county auditor.

Employment of engineer; his duties.

SECTION 6. That immediately after said election, if said proposition shall have carried, the township trustees shall employ a competent civil engineer and such assistants as shall be necessary, which engineer shall be the engineer of the road improvements of such road district and shall prepare a correct plat of such road district, showing all of the established public ways therein, which plat shall be designated by the name of the road district, and shall be

forthwith recorded in the office of the township clerk; and thereupon the said trustees shall determine the order and manner in which said public ways shall be improved, beginning, so far as practicable, with the main roads; and in improving such public ways the macadamized, or graveled, portion shall be so located, whenever practicable, as to leave sufficient space for a dirt road at its side, and said graveled or macadamized portion shall be not less than eight, nor more than fourteen feet, in width, and the gravel or macadam shall be not less than twelve inches in depth in the center, and eight inches in depth at each outer side.

Division of improvement into working sections.

SECTION 7. That as the improvement of each public way is determined upon, the engineer shall proceed to divide the improvement into working sections and to make a correct profile of each working section of such public way as it then exists, and a profile of the grades established for its improvement, and to prepare specifications for, and an estimate of the cost of each working section of the improvement, which shall be filed and recorded in the office of the clerk of the township.

How contract made.

SECTION 8. That the contracts for furnishing the materials and performing the labor in and about such improvement, shall be made by such sections and in like manner as is provided by law for other township improvements.

How payments to be made.

SECTION 9. That payments shall be made on account of such work and materials, upon estimates of the engineer as the work progresses, ten per centum of each estimate being retained until the final completion and acceptance of the work.

Advertisement and sale of bonds.

SECTION 10. That the bonds provided to be issued hereunder shall be sold at not less than par and accrued interest, in such quantities as may be deemed expedient by the township trustees; and shall be advertised and sold in the manner provided by law for the advertisement and sale of any other township bonds.

How repairs to be kept up.

SECTION 11. That such public ways, when improved, shall be maintained and kept in repair by the county commissioners, and the expense thereof shall be paid out of the county road fund.

Tax levy.

SECTION 12. That the township trustees shall provide means to pay the expense and cost of such improvements, and to pay the principal and interest of such bonds, by a general tax levied upon the taxable property of the respective road district. The levies for which tax shall be certified to the county auditor as is provided by law in the case of other levies of other township trustees.

Supervisor of improvement; compensation.

SECTION 13. That the township trustees shall designate one of their number to supervise the improvement of each working section of said public ways, improved under this act, and the trustee so designated shall receive for his services in that behalf not to exceed two dollars a day for

the time actually and necessarily employed in such supervision; and the trustees shall provide such blanks, books and records, as shall be necessary to meet the requirements of this act; and shall allow to the township clerk for the services to be rendered by him, reasonable compensation; all of which shall be paid out of the funds provided for such improvement on the order and allowance of the township trustees.

SECTION 14. That this act shall be in force and effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 107G

[Senate Bill No. 88.]

AN ACT

To amend section 3821*d* of the Revised Statutes of Ohio, as amended April 18, 1892 (Ohio laws, vol. 89, page 370.)

Be it enacted by the General Assembly of the State of Ohio:

Savings and loan associations:

SECTION 1. That section 3821*d* of the Revised Statutes of Ohio, as amended April 18, 1892 (Ohio laws, vol. 89, page 370), be amended so as to read as follows:

Liability.

Sec. 3821*d*. The capital of such companies shall, with all their property and effects, be absolutely liable in case of any default whatever in any of the trust positions aforesaid and shall, together with the statutory liability of the stockholders, be taken, and considered as the only security required by law, and such companies shall not be required to give in any trust capacity any other bond, security, oath or undertaking. The probate judge may, at any time he deems proper, require additional security in any amount he may think necessary. Provided, however, that no such company whose principal place of business is in a city of the first class or in a city of the first grade of the second class or in a city not of the second grade of the second class which by the last preceding federal census had a population of thirty-three thousand or more, shall accept any trusts which may be vested in, transferred or committed to it by any individual or by any court of record, as provided in section 3821*c*, until the capital stock of said company shall amount to two hundred thousand dollars, fully paid up, and until such company shall have deposited with the treasurer of state one hundred thousand dollars in cash, or in securities in which said company is by law allowed to invest its capital; and provided that no such company whose principal place of business is in a city of the second class, which city by the last preceding federal

Additional security.

Required paid-up capital.

Deposit with treasurer of state.

census had a population of less than thirty-three thousand shall accept any trusts which may be vested in, transferred or committed to it by any individual or by any court of record, as provided in section 3821*c*, until the capital stock of said company shall amount to fifty thousand dollars, fully paid up, and until such company shall have deposited with the treasurer of state twenty-five thousand dollars in cash, or in securities in which said company is by law allowed to invest its capital; provided, the full amount of such deposit so to be made by any such company may be made in bonds of the United States or state of Ohio; the treasurer of state shall hold such fund or securities deposited with him as security for the faithful performance of all the trusts assumed by said company, but so long as any such company shall continue solvent, said treasurer shall permit it to collect the interest of or dividends on its securities so deposited, and from time to time to withdraw such securities or cash, or any part thereof, on depositing with him cash, or other securities of the kind heretofore named, so as to maintain the value of said deposit as hereinbefore provided.

Provisions applicable to probate courts in certain counties.

Sec. 3821*f*. The provisions of sections 3821*c*, 3821*d* and 3821*e* relating to the power of the probate judge to appoint any such company to act as executor, administrator, assignee, guardian, receiver or trustee, shall apply to probate courts in all counties containing a city of the first class, and to all probate courts in counties containing a city of the second class, containing by the last preceding federal census a population of less than 33,000.

Repeals.

SECTION 2. That said original section 3821*d* and 3821*f*, as amended April 18, 1892, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900.

108G

[House Bill No. 742.]

AN ACT

To amend section 4364-15 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Intoxicating liquors and cigarettes; "Dow law":

SECTION 1. That section 4364-15 of the Revised Statutes of Ohio be amended so as to read as follows:

Collection by treasurer.

Sec. 4364-15. The county treasurer shall collect and receipt for all assessments so returned to him, and if any shall not be paid when due, he shall forthwith proceed as provided in section 4364-12 of this act to collect the same,

and in case he shall fail to make such assessment from the goods and chattels therein described, then said treasurer shall immediately proceed as provided in section one thousand four hundred and four of the Revised Statutes to enforce the lien for the same with the penalty thereon. And the provisions of said section one thousand one hundred and four, and all other provisions of the law of this state relating to the assessment and collection of taxes are hereby made applicable to the enforcement of liens and the collection of such assessments and penalties. The treasurer shall charge himself with all such assessments placed in his hands for collection, and shall account to the auditor for the same, together with all penalties collected thereunder; provided, however, that no such assessment or tax shall be collected for any years prior to June 1st, 1898, by said treasurer from wholesale dealers, wholesale agencies, or cold storage depositories, unless proper return thereof shall have been made to the county auditor, as provided in section 4364-13 or section 4364-14 of this act and by said county auditor entered upon the duplicate and upon the county treasurer's copy thereof prior to June 1, 1898.

Repeals.

SECTION 2. That original section 4364-15 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 109G

[Senate Bill No. 350.]

AN ACT

To amend section twenty-four (24) of an act entitled "An act supplementary to title XII of the Revised Statutes of Ohio, to provide a government for cities of the second class, third grade *b*," and also to repeal an act entitled "An act to amend an act entitled 'An act to establish an efficient and non-partisan board of public affairs in cities of the second class, third grade, having a population at the last federal census of 12,122,'" passed April 1, 1890 (87 O. L., 126), and an act entitled "An act to authorize the board of commissioners of sewers in cities of the third grade *b*, of the second class to make certain street improvements," passed April 10, 1896 (92 O. L., 550), and to repeal section 1707*a* of the Revised Statutes, passed March 25, 1898 (93 O. L., 496.)

Be it enacted by the General Assembly of the State of Ohio:

Special governmental acts; Hamilton:

SECTION 1. That section twenty-four (24) of an act entitled "An act supplementary to Title XII of the Revised Statutes of Ohio, to provide a government for cities of the

second class, third grade *b*, and also to repeal an act entitled "An act to amend an act entitled 'An act to establish an efficient and non-partisan board of public affairs in cities of the second class, third grade, having a population at the last federal census of 12,122,'" passed April 1, 1890 (87 O. L. 126), and an act entitled "An act to authorize the board of commissioners of sewers in cities of the third grade *b*, of the second class, to make certain street improvements," passed April 10, 1896 (92 O. L., 550), and to repeal section 1707*a* of the Revised Statutes, passed March 25, 1898 (93 O. L., 496), be amended so as to read as follows: In all cities of the second class, third grade b, the county treasurer shall act as city treasurer of such city, and shall be the custodian of all the funds belonging to said city. Before entering upon the duties of his office said treasurer shall give bond to said city, conditioned for the faithful performance of all his duties as such treasurer, in such sum and with such sureties as the board of control thereof shall require and approve, and shall make and subscribe an oath of office, which shall be indorsed upon such bond, which bond and the indorsement thereon shall be forthwith recorded in the minutes of said board of control and be deposited with the city clerk for safe-keeping. Said city treasurer shall be paid the sum of one thousand dollars per annum for his services, in quarterly installments, payable out of the general expense fund of said city.

County treasurer to act as city treasurer.

SECTION 2. Said original section 24 of said act is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 110G

[House Bill No. 99.]

AN ACT

To amend section 2680 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2680 of the Revised Statutes of Ohio be amended so as to read as follows:

Law libraries:

Sec. 2680. All fines and penalties which are assessed and collected by the police court for offenses and misdemeanors prosecuted in the name of the state, except a portion thereof equal to the compensation allowed by the county commissioners to the judges, clerk and prosecuting attorney of such court, in state cases, which shall be retained by the clerk, shall be paid by the clerk quarterly to the

Appropriation of certain fines in police court to use of libraries.

trustees of such law library associations mentioned in the next two preceding sections, except those in cities of the first and second grades of the first class, but the sums so paid shall not be less than five hundred dollars per annum, if there be such an amount, and the trustees of such associations shall, on the first Monday of each year, make a detailed statement to the auditor of the county, verified by the oath of the treasurer of the association, of the amount of the fines and penalties so received, and of the money expended by the association. In counties containing cities of the second grade of the first class there shall be paid to the trustees of such library association the sum of five hundred dollars per annum from the county treasury and five hundred dollars per annum from the city treasury, said sums to be paid in quarterly installments. The monies so paid to be expended in the purchase of law books and the maintenance of such association. All justices of the peace of such counties and all officers of the townships, villages and cities therein shall have the same free use of the books of such library receiving such monies as the judges and county officers. In cities of the first grade of the first class, all fines and penalties which are or have been assessed and collected by the police court for offenses prosecuted in the name of the state, shall be disposed of as directed by sections 1807 and 1812 of the Revised Statutes of Ohio, and the clerk of the police court, in cities of the first grade of the first class, shall be relieved of all responsibility and liability for any such fines and penalties assessed and collected as have been or may be paid over to the county auditor as directed by sections 1807 and 1812 of the Revised Statutes of Ohio.

Repeals.

SECTION 2. Original section 2680 is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 111G

[House Bill No. 377.]

AN ACT

To amend section 3059 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Discipline and government:

SECTION 1. That section 3059 of the Revised Statutes be amended so as to read as follows:

Board of examiners; examinations.

Sec. 3059. The commander-in-chief shall appoint a board of examiners to consist of three competent officers, who shall convene at such times and places as the com-

mander-in-chief shall direct, and examine the military and general qualifications of any person who may be reported to such board for examination. The members of said board may, in the discretion of the commander-in-chief, be appointed from officers in active service, or from officers who have been placed on the retired list, in accordance with the provisions of section 3049, as amended April 27, 1896. The members of said board shall receive, as compensation for duty performed at board meetings, the per diem established by law for duty at annual encampments. If in any case, said board shall fail to recommend that a commission be issued, they shall state in their report whether or not such person should be given another opportunity for examination.

SECTION 2. Original section 3059 is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 112G

[House Bill No. 48.]

AN ACT

To amend section 525-1 of the Revised Statutes, conferring further jurisdiction upon probate courts in certain counties therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 525-1 of the Revised Statutes be so amended as to read as follows: Probate court:

Sec. 525-1. That the probate court in the counties of Licking, Richland, Perry, Defiance, Henry, Madison, and Coshocton, shall have concurrent jurisdiction with the court of common pleas in all proceedings in divorce, alimony, foreclosure, and partition, and the probate court in each of said counties shall hold four terms annually for the hearing and trial of such causes, towit: One term commencing the first Monday in January, one term commencing the first Monday in April, one term commencing the first Monday in July, and one term commencing the first Monday in October, provided that litigants shall have as heretofore, the same right of appeal and of error from the probate court to the circuit court as is allowed now by appeal and error proceedings in similar cases from common pleas court to the circuit court. In Licking, Richland, Perry, Defiance, Henry, Madison and Coshocton counties court shall have concurrent jurisdiction in certain cases.

SECTION 2. That section 525-1 of the Revised Statutes be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 113G

[House Bill No. 605.]

AN ACT

To amend and supplement sections 4935-3, 4935-4, 4935-5, 4935-6, 4935-7, 4935-8, 4935-9 of the Revised Statutes of Ohio, and to provide for the appointment of side path commissioners and to provide for the construction, maintenance, regulation and preservation of said paths.

Be it enacted by the General Assembly of the State of Ohio:

Miscellaneous provisions:

SECTION 1. That sections 4935-3, 4935-4, 4935-5, 4935-6, 4935-7, 4935-8, 4935-9 of the Revised Statutes of Ohio be amended and supplemented so as to read as follows:

Board of sidepath commissioners.

Sec. 4935-3. The probate judge of any county shall upon the petition of five resident wheelmen of such county, appoint from the resident citizens thereof, five persons, giving to each city and to each rural district in the county a representation on the board, as near as possible, in proportion to the probable number of cyclists residing in such localities, each of whom shall be a cyclist, who shall constitute a board of sidepath commissioners for such county. The terms of such commissioners shall be one, two, three, four and five years, from and including the first day of January of the year in which the appointment is made, to be determined by such commissioners by lot within one month after their appointment. A commissioner thereafter appointed for a full term, shall hold office for five years from and including the first day of January of the year in which the appointment is made. A commissioner appointed to fill a vacancy occurring otherwise than by expiration of term, shall be appointed for the unexpired term of his predecessor in office. Whenever a vacancy shall occur in the office of such a commissioner by expiration of term or otherwise, the chairman and secretary of the board shall file a notice with the probate judge, specifying the name of such commissioner, the city or town in which he resided, and the term for which his successor should be appointed. Upon the receipt of such notice, the probate judge shall appoint a person to fill such vacancy and file such appointment in the office of the county clerk. The county clerk shall forthwith notify such person of his appointment, and he shall take office immediately upon filing his written acceptance thereof with the county clerk and taking the constitutional oath of office. If any person so

appointed fails to file such acceptance with the county clerk, or to take the constitutional oath of office, within ten days after receiving notice of his appointment, or if any member of the board fails to attend three consecutive, regular meetings without being excused by a vote of the board, the board of sidepath commissioners may declare the place vacant by a majority vote of the board. Such commissioners shall serve without compensation, but shall be repaid their actual and necessary disbursements, out of the sidepath fund.

Power to construct and maintain sidepaths.

Sec. 4935-4. Such board of sidepath commissioners is hereby authorized and empowered to construct and maintain sidepaths along any public road or sections thereof, of the county, outside the limits of incorporated cities and villages, or outside the corporation tax district thereof. No sidepath shall be constructed upon or along any regularly constructed or maintained sidewalk, except by the consent of persons owning the abutting lands. Such paths shall not be less than three feet wide in any case nor more than six feet wide, without the consent of the owners of the abutting lands, and shall be constructed within the outside lines and along and upon either side of such public roads. The term "sidewalk," as used in this act, means any sidewalk constructed and maintained as such by the public authorities or the owner of the abutting lands, which is reserved by custom for the use of pedestrians; but not including footpaths or portions of the public road which are worn only by travel. No member or any number of members of a sidepath commission shall begin or in any way authorize the construction of a sidepath, to be built from the sidepath fund until the record of the proceedings of the board shows that it has voted to construct such a path.

License upon bicycles.

Sec. 4935-5. Such board of sidepath commissioners shall at their first meeting or within a reasonable time thereafter, and in each succeeding calendar year, adopt a form of license to consist of an inscription, tag, badge, emblem or device suitable to be affixed to a bicycle and to be known as a bicycle sidepath license. Any person, upon the payment of a fee of one dollar, shall be entitled to receive such license, which shall be good during the calendar year for which it is issued, and for no longer. Every such license to be valid must be issued by the sidepath commissioners of the county wherein the bicyclist resides, except that any bicyclist who resides in another state or in some county of this state where there is no sidepath commission, may secure a license in any county where a sidepath commission has been lawfully appointed by a probate judge, and such license shall be valid for the use of the person so purchasing for the calendar year for which it is issued and no longer. No person shall ride a bicycle on any sidepath in any county of this state where a sidepath commission has been or at any time hereafter may be appointed, unless a valid bicycle license is attached or affixed to the left side

of the front fork, or upon the lower tube of the frame within six inches from the head so that the license device will show on the left side of the lower tube of such bicycle.

License fees to be paid to county treasurer.

Sec. 4935-6. The license fees authorized by the said boards of sidepath commissioners shall be paid on or before the first day of July in each year to the county treasurer of their respective counties, by whom they shall be credited to a special fund, to be called "the sidepath fund." No claims against the sidepath commissioners shall be paid otherwise than upon the allowance of the said sidepath cimmissioners or a majority thereof. Upon the proper certificate of the allowance of any claims by the said commission the county auditor shall draw his warrant upon the treasurer for said sum. But no money shall be disbursed by the said commissioners, or any of them, but the same shall be disbursed by the county treasurer, upon the warrant of the auditor specifying the name of the party entitled and upon what account; but no warrants shall be so drawn in excess of the amount actually on deposit, nor shall any contract or purchase be made exceeding the amount of such funds at the time of making such contract or purchase. All bills shall be made out in duplicate.

Disposition of fees.

Sec. 4935-7. The said boards of sidepath commissioners shall devote the moneys so collected to the repairing of existing paths in their respective counties; to the construction of new sidepaths, and to the maintaining of order on the paths.

Penalty for wrongful use of path.

Sec. 4935-8. No person shall lead, stand, hitch, or drive any horse, cattle, sheep, swine or other animals upon any sidepath now constructed or hereafter to be constructed in this state, except for the purposes of access to, and egress from, lands abutting on the highway.

Obstructing, destroying, etc., of path.

Sec. 4935-9. No person shall obstruct, injure or destroy any sidepath or any portion thereof, now constructed or hereafter to be constructed in said state.

Speed upon path.

Sec. 4935-10. No person shall ride a bicycle at a greater speed than ten miles per hour when passing another cyclist or a pedestrian on any sidepath in said state.

Sidepaths heretofore constructed to be placed under control of sidepath commissioners.

Sec. 4935-11. The sidepaths heretofore constructed and hereafter to be constructed in said state are hereby placed under the control and direction of the boards of sidepath commissioners of the various counties in which they are located.

May remove tree limbs, etc.

Sec. 4935-12. Any board of sidepath commissioners may remove limbs of trees overhanging any sidepath or any other obstruction in the county wherein said board has jurisdiction, when in the judgment of said board, the same may interfere with the free passage of bicycles along said path.

Penalties.

Sec. 4935-13. Any person who rides a bicycle on any sidepath in this state in violation of any of the sections of this act, or does any of the acts by the provisions of this

law forbidden, is guilty of a misdemeanor, and shall be punishable by a fine of not less than five nor more than twenty-five dollars, and in case of failure to pay any fine that may be imposed such person shall be committed to jail not exceeding one day for each dollar of such fine.

Security for appearence in court.

Sec. 4935-14. Any person arrested for the violation of any of the provisions of this act, or of any ordinance or by-law adopted as provided in this act, may tender at the time of his or her arrest, or at any time before the hearing thereon either five dollars in current money, or his or her bicycle or similar vehicle, as security for his or her appearance in court to make answer to the charge of violating the provisions of this act or any ordinance or by-law adopted as provided in this act; and the officer making the arrest, shall accept the security, which the rider may offer, as aforesaid, for his appearance, before the most convenient court or magistrate, to be specified by said officer at a time to be fixed by him not less than one day, in said city, village or town having jurisdiction of the offense, and such security shall be forthwith delivered, by such officer, to such court or magistrate. In case the person arrested shall fail to appear and answer to such charge at the time so specified or at such other time to which the matter shall have been adjourned, such security shall be forfeited, and if money, shall be disposed of in the same manner as other fines are disposed of by such court or magistrate, and, if a bicycle or similar vehicle, it may be sold under the direction of such court or magistrate at public sale, a notice of which shall be posted in three public places in such city, town or village, and a copy thereof served personally or by mail upon the person who tendered the same at least six days before such sale, and after the payment of legal costs five dollars of the money received upon such sale shall be disposed of in the same manner as other fines collected by such court or magistrate, and the remainder of the money received upon such sale shall be paid to the owner of such bicycle or other similar vehicle on demand.

Notice.

Sec. 4935-15. But no person shall be arrested or fined for the violation of any of the provisions of this act, pertaining to any municipality, or of any ordinance or by-law of any municipal corporation unless such municipality shall have placed at the corporate limits of such municipal corporation in at least four prominent thoroughfares, signs inscribed "sidewalk riding prohibited."

Repeals, etc.

SECTION 2. That said original sections 4935-3, 4935-4, 4935-5, 4935-6, 4935-7, 4935-8 and 4935-9 be and the same are hereby repealed and all acts and parts of acts inconsistent herewith be and the same are hereby repealed and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 114G

[House Bill No. 403.]

AN ACT

To provide for the cleaning out and keeping in repair of public ditches, drains and watercourses, and to repeal sections 4496, 4497, 4497*a*, 4498, 4553, 4554, 4555, 4556, 4584–1, 4584–2, 4584–3, [4584–4,] 4584–5, 4584–6, 4584–7, 4584–8, 4584–9, 4584–10, 4584–11, 4584–12 and 4584–13 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Township ditch supervisor.

SECTION 1. That in any township in which there have been located and established county or township ditches, or in which county or township ditches may hereafter be located and established, there may at the time and in the manner provided by law for the election of township officers, be elected a township ditch supervisor, who shall serve for a term of three years, and until his successor is elected and qualified. In case a vacancy occurs in this office, by resignation or otherwise, the township trustees shall fill said vacancy by appointment, until the next annual election.

Oath, bond, etc.

SECTION 2. Before entering upon the duties of his office the township ditch supervisor shall take an oath of office, and shall give bond, with sureties approved by the trustees, in such sum as they determine, payable to them, and conditioned for the faithful performance of his duties as such ditch supervisor, and said bond shall be recorded by the township clerk, and filed with him, and be carefully preserved.

Supervisor to redivide all ditches into the original working sections assessed to the owners for construction, widening or deepening.

SECTION 3. It shall be the duty of the township ditch supervisor to divide all township ditches into the working sections assessed to the lot and land-owners, corporate roads, railroads, township and county, for the construction thereof, or for the deepening and widening thereof; and to divide all county ditches into working sections proportionate to the assessment upon lot and land owners, corporate roads, railroads, township and county, for the construction, or for the deepening and widening of the same. In all of said divisions into working sections, the latest apportionment made under petition shall be taken as the basis of said division. Provided, however, that in case the record of any ditch proceedings has been lost or destroyed, the township trustees shall reapportion same according to section 4551 R. S., and furnish a copy thereof to the township ditch supervisor.

When ditch located in two or more townships.

SECTION 4. When an established ditch or watercourse is located in two or more townships, the township ditch supervisors of the townships in which the said improvement is located, shall together make the apportionment provided for in section 3 of this act.

Upon notice, duty of owner, etc., to clean out said section so apportioned.

SECTION 5. When the apportionment of any ditch provided for in sections 3 and 4 of this [act] is completed, the ditch supervisor shall notify each of the lot and land-owners, corporate roads, railroads, township and county, assessed

thereon, of the portion assigned to them, and it shall be the duty of each lot and land owner, corporate road, railroad, township and county, so notified, to clean out said portion, or section, of the said ditch or watercourse, to the full depth and capacity heretofore required by the authorities constructing the same, and annually thereafter to reclean the same without further notice. It shall also be the duty of all parties assessed in this section to mark the terminus of their respective working section, by planting a post or marker, on which shall be cut or painted the number of the section.

When parties assessed fail to clean out the same supervisor may sell the work to the lowest bidder in certain cases.

SECTION 6. If there were assessed to any tract of land, road, railroad, township, or county, for the construction or for the deepening and widening thereof as the case may be, of any ditch or watercourse, a sum less than three (3) dollars, the township ditch supervisor may group these small sections together as conveniently as possible, and if the parties to whom they are assessed, neglect or refuse to clean out the same, and keep the same in repair, the ditch supervisor is hereby authorized to sell the work of cleaning out said sections to the lowest responsible bidder, and take a bond with approved surety for the faithful completion of the work, and certify the cost of said work to the county auditor, who shall place the same upon the tax duplicate, against the lands so assessed, pro rata, and the same shall become a lien upon the land and be collected as other ditch taxes.

Costs to be taxed against land so assessed.

Sale of work of cleaning ditch, etc.

SECTION 7. If any land-owner, corporate road, railroad, township or county, notified to clean out the ditch or watercourse under the provisions of this act, shall neglect or refuse to comply with same before the 15th day of October in each year, the ditch supervisor shall, after giving ten (10) days' notice by posting notices in three conspicuous places in said township, sell the work of cleaning said section or sections to the lowest responsible bidder, and take a bond as provided in section six (6) and certify the cost thereof to the county auditor, as provided in section six (6) of this act. And the ditch supervisor shall certify the amount due the contractor, or contractors, for the work done, according to the provisions of this act, to the township trustees, who shall order the same paid out of the township ditch fund.

All costs to be collected by county treasurer.

SECTION 8. All costs certified to the county auditor under the provisions of this act shall be collected by the county treasurer and be paid over to the treasurer of the township whence the certificate came, as township ditch funds.

Township ditch fund.

SECTION 9. The township trustees of any township to which this act applies are hereby authorized and empowered to levy a tax upon all the taxable property of said township not to exceed five-tenths (5-10) of one mill upon each dollar valuation, to be known as the township ditch

fund for the purpose of carrying out the provisions of this act.

Compensation to ditch supervisor.

SECTION 10. The township ditch supervisor shall be allowed one dollar and fifty cents per diem, for the time actually engaged in performing the duties of his office, said compensation to be paid by the township trustees, out of the township ditch fund, upon presentation of an itemized account, verified upon oath by the township ditch supervisor. The township ditch supervisor shall be allowed one assistant, when actually engaged in measuring a ditch or ditches. Said assistant shall receive one dollar per day for the time actually employed, and shall be paid by the trustees out of the township ditch fund, upon the certificate of the ditch supervisor.

Assistant.

Act not to apply to tiled ditch.

SECTION 11. Where any county or township ditch, or any part thereof, has been tiled, or may hereafter be tiled, said ditch, or the part thereof which has been tiled, shall not be affected by the provisions of this act. Provided said tile is of sufficient capacity to carry all the water drainage through said ditch or watercourse so as not to flood the adjacent lands above; but if said tile is small and insufficient to provide the necessary drainage, the surface ditch shall be kept open by the provisions of this act.

Owner must keep ditch free of fallen timber, logs, etc.; penalty for failure.

SECTION 12. Every person or corporation through whose lands any ditch improvement is constructed, must keep it free, and clear of fallen timber, tree-tops, logs and such like obstructions, upon his or its premises; and in case of a failure to do so, any person or corporation aggrieved by any such obstructions may notify the township ditch supervisor of the fact, in writing, who must at once examine the premises and inquire into the truth of the statement, and, if he find the statement to be true, he must immediately notify the owner of the land on which such obstruction exists, to remove it within a reasonable time, not exceeding twenty days. If the owner so notified fail to remove the obstructions, the ditch supervisor must at once cause the same to be removed at the expense of such owner, and certify such expense to the auditor, who must place the same upon the tax-duplicate, as an assessment upon the lands of such person or corporation. This assessment will be a lien upon such lands and must be collected as other ditch taxes, and be paid over to the township treasurer as provided in section 8 of this act. And the ditch supervisor shall certify any expense accruing under this section to the township trustees for payment as provided in section 7.

Repeals, etc.

SECTION 13. That sections 4496, 4497, 4497*a*, 4498, 4553, 4554, 4555, 4556, 4584-1, 4584-2, 4584-3, 4584-4, 4584-5, 4584-6, 4584-7, 4584-8, 4584-9, 4584-10, 4584-11, 4584-12, and 4584-13 of the Revised Statutes of Ohio and all other sections and parts of sections conflicting with the provisions of this act be, and the same are hereby repealed;

and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 115G

[House Bill No. 670.]

AN ACT

To supplement section 4836 of the Revised Statutes of Ohio by a section to be numbered section 4836*i*.

Be it enacted by the General Assembly of the State of Ohio:

Two-mile assessment pikes:

SECTION 1. That section 4836 of the Revised Statutes of Ohio be supplemented as follows:

Commissioners in Lucas county may construct road without assessment upon private property.

Sec. 4836*i*. If in the opinion of the county commissioners of any such county it is expedient and proper to construct any such road commencing at the intersection of sections sixteen and twenty-one in Lucas county, and extending not more than one mile in length, without making an assessment upon private property for any portion of the cost thereof, said county commissioners may proceed to make such improvement in a manner by them deemed proper and pay for the same from the stone road building fund, and may issue bonds of said county in a sum not to exceed five thousand dollars to reimburse said fund in accordance with the provisions and under the restrictions of section 4836*g*.

Bonds.

SECTION 2. Any provisions of law inconsistent with this act as to such inconsistency are void as to proceedings; and this act shall take effect upon its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 116G

[House Bill No. 689.]

AN ACT

To supplement section 475*b* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Court of common pleas:

SECTION 1. That section 475*b* of the Revised Statutes of Ohio be supplemented by the following section, and to read as follows:

Additional stenographer.

Sec. 475*b*. When the business of the court requires, the said court of common pleas is hereby authorized to appoint an additional stenographer who shall be subject to the same duties and requirements and who shall receive the same fees for transcripts of testimony as are herein otherwise provided, and for whose services there shall be taxed as costs and paid into the treasury the sum of four (4) dollars for each day of service, as herein provided by section three (3) of this act. And said stenographer shall receive for his or her services the sum of four (4) dollars per day and a ratable portion thereof for each fraction of a day. And it shall be the duty of the clerk of said court, upon the written requisition of a judge thereof, to keep the court rooms, and rooms contiguous thereto, clean; to procure all necessary stationery, fixtures, furniture and apparatus for the use of the court, and for the proper discharge of the duties of such stenographer, and to provide books of decided cases, and text-books, and statutes, which shall be the property of the county, and the cost thereof, and the expense so incurred by the clerk, and the per diem of such stenographer, shall be by said clerk certified to the county auditor, who shall issue his warrant upon the county treasurer, who shall then pay the same; and the performance of said duties, respectively, by said officers may be enforced by the court.

Compensation.

SECTION 2. This act shall take effect and be in full force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 117G

[House Bill No. 245.]

AN ACT

To supplement section 897 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

County commissioners:

SECTION 1. That section 897 of the Revised Statutes of Ohio be further supplemented as follows:

Salary of commissioners in Jefferson county.

Sec. 897. In all counties which by the federal census of 1890 had a population of not less than 39,400 nor more than 39,450, each county commissioner shall receive a salary of ten hundred dollars ($1,000) per annum, payable in equal monthly installments out of the county treasury upon the warrant of the county auditor, and each county commissioner in such counties shall devote his entire time, if so required, to the duties of his office, and shall receive nothing whatever in addition to his salary so provided,

either directly or indirectly by way of mileage, per diem, expenses paid out or otherwise; except when necessary to go out of their respective counties on official business, each commissioner may in addition to such salary receive his actual traveling expenses and no more, which before being paid shall be presented in an account and approved in writing by the prosecuting attorney and probate judge. The full board of county commissioners shall attend at their office on the first Monday in each and every month of each year, and remain in session not less than eighteen days in each month for the dispatch of the business of their regular monthly session and such other business as may come before them.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 118G

[Senate Bill No. 270.]

AN ACT

To provide for the better protection of persons dealing with bond and investment companies.

Be it enacted by the General Assembly of the State of Ohio:

Bonds investmentcompanies: Must make deposit with state treasurer, upon commencing business.

SECTION 1. That every corporation, partnership and association, other than a building and loan company, which shall hereafter commence, in this state, the business of placing or selling certificates, bonds, debentures, or other investment securities of any kind or description, on the partial payment or installment plan, and every investment guaranty company doing business on the service dividend plan, shall, before doing business in Ohio, deposit with the state treasurer one hundred thousand dollars in cash or bonds of the United States, or of the State of Ohio, or of any county or municipal corporation in the State of Ohio, for the protection of the investors in such certificates, debentures or other investment securities. Such deposit of one hundred thousand dollars shall be made out of the paid-up capital stock of such corporation, partnership or association. And every corporation, partnership or association now doing such business in the state of Ohio shall, in addition to the amount now on deposit with the state treasurer by such corporation, partnership or association, on or before the 10th day of January of each year, deposit with the state treasurer, either in cash, or bonds of the United States, or of the state of Ohio, or of any county or municipal corporation in the state of Ohio, an amount equal

Deposit by companies already in operation in Ohio.

to ten per cent of the gross receipts on the amount of business done by it in the state of Ohio for the twelve months next preceding the 31st day of December; and the said deposit shall be made each year as aforesaid until the total amount of such cash or bonds so deposited shall amount to one hundred thousand dollars. Provided, every such corporation, partnership or association now doing such business in the state of Ohio shall have on deposit with the state treasurer not less than twenty-five thousand dollars out of its paid-up capital stock. The deposit made with the treasurer shall be held as a security for all claims of residents of this state against such corporation, partnership or association, and shall be liable for all judgments or decrees thereon, and subjected to the payment of the same in the same manner as the property of other non-residents. Should any such corporation, partnership or association cease to do business in this state, the treasurer may release securities in his discretion, retaining sufficient to satisfy all outstanding liabilities.

Minimum amount of deposit.

Purpose.

Conditions precedent to doing business.

SECTION 2. Every such corporation, partnership and association shall, as a condition precedent to transacting business in this state, comply with the following conditions, towit:

Copy of charter.

First. It shall file with the supervisor of bond investment companies, a certified copy of its charter or articles of incorporation, constitution and by-laws, and other rules and regulations showing its manner of conducting business.

Statement of business of preceding year.

Second. It shall also file with the supervisor a statement under oath of the president and secretary or other managing officer in the form by the supervisor required, of its business for the preceding year.

Process.

Third. It shall also file with the supervisor a written instrument, duly executed, agreeing that a summons may issue against it from any county in this state directed to the sheriff of the county in which the office of supervisor is situate, commanding him to serve the same by certified copy personally upon the supervisor or by leaving a copy thereof at his office. The supervisor shall, however, mail a copy of any papers served on him, postage prepaid, to the home office of such corporation, partnership or association.

Certificate of authority to do business.

SECTION 3. Whenever such company, partnership or association has complied with the provisions of this act, and the supervisor is satisfied that it is doing business in accordance with law, he shall issue to such company, partnership or association a certificate of authority to do business in Ohio. Annually thereafter, upon the filing of the annual statement herein provided for, if the supervisor shall be satisfied as aforesaid, he shall issue a renewal of such certificate of authority. And said authority shall be revoked whenever the supervisor on investigation or examination finds that such company, partnership or asso-

Revocation.

ciation is not transacting business in accordance with law, or that the statement of its condition and affairs required under the provisions of this act are false and fraudulent, or for failure to file the annual statement.

Interest on securities deposited.

SECTION 4. Every such company, partnership or association may collect and use the interest of any securities so deposited, so long as it fulfills its obligations and complies with the provisions of this act. It may also exchange them for other securities of equal value and satisfactory to the treasurer.

Agents to be licensed.

SECTION 5. It shall be unlawful for any agent of every such company, partnership or association to transact business in this state without being first regularly appointed thereby and being licensed by a certificate of authority issued by the supervisor.

Annual statement of business.

SECTION 6. Every such corporation, partnership and association doing business in this state shall, annually hereafter, and on or before the tenth day of January, file with the supervisor under oath of the president and secretary, or other managing officer, in the form by said supervisor required, a statement of its business for the twelve months next preceding the thirty-first day of December. Such abstract thereof as the supervisor may require shall be posted for sixty days in the principal office of such company, partnership or association, and also published in some newspaper having a general circulation in the county in which the principal office or place of business of such company, partnership or association is situate. And the said supervisor shall verify said report by an examination of the affairs of said company, partnership or association, and he may make quarterly examinations of the affairs of said company, partnership or association, if he deem the same necessary, and he shall receive as fees for the same the sum of ten dollars per day and necessary expenses for the actual time employed in making such examination, which shall be paid by the company, partnership or association examined; and if, upon such examination, it shall appear that such company, partnership or association is not carrying on its business in accordance with law, or that its affairs are being improperly managed, the supervisor, after notice to such company, partnership or association of at least ten days, shall institute proceedings in quo warranto against said company, partnership or association in the manner provided by law.

Fees.

When proceedings to be instituted against company.

Supervisor of bond investment companies; duty and compensation.

SECTION 7. The acting and deputy inspector of building and loan associations is hereby made ex-officio supervisor of bond investment companies. It shall be his duty to see that all the laws of this state relating to such companies, partnerships or associations are faithfully executed, and as compensation for his services as such supervisor he shall receive the sum of twelve hundred dollars per year. The supervisor may appoint a deputy, who shall be author-

Deputy.

ized to perform the duties attached by law to the office of supervisor, during his absence or disability, and shall receive a salary of nine hundred dollars per year. He shall also appoint such other clerks or examiners as may be provided for by law.

Fees.

SECTION 8. Every such company, partnership or association shall pay to the supervisor the following fees, which shall be paid into the state treasury, towit: For filing each application for admission to do business in this state, one hundred dollars; for each certificate of authority, and annual renewal of same, fifty dollars; for filing each annual statement, twenty-five dollars; for issuing license to each agent, two dollars; for each copy of paper filed in his office, fifty cents per folio; for affixing seal and certifying any paper, one dollar. Provided, however, that the supervisor may retain from the fees so received by him up to the close of the fiscal year ending February 15, 1902, a sum sufficient to pay the salaries and necessary expenses provided for in this act up to said time.

Penalty for doing business without complying with this act.

SECTION 9. Any officer, agent or representative of any such company, partnership or association who shall attempt to place or sell any certificates, debentures or other investment securities or transact any business whatsoever in the name of or on behalf of such company, partnership or association when such company, partnership or association has failed or refused to comply with the provisions of this act, or shall fail to file with the supervisor of bond investment companies the statement or report herein provided to be filed, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense, or be imprisoned in the county jail for not less than thirty days nor more than six months, or both.

Repeals

SECTION 10. That an act passed April 25th, 1898, entitled "An act to regulate certificate, bond, and investment companies, partnerships and associations, other than building and loan companies, and to regulate investment guaranty companies, partnerships and associations doing business on the service dividend plan, and to protect holders of their certificates, debentures and securities" be and the same is hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 119G

[House Bill No. 790.]

AN ACT

To amend sections 2477-2, 2477-4, 2477-8 and 2477-14 of the Revised Statutes of the state of Ohio, as enacted March 27th, 1889 (86 O. L., 149.)

Be it enacted by the General Assembly of the State of Ohio:

Fire department: Firemen's pension fund:

SECTION 1. That sections 2477-2, 2477-4, 2477-8, and 2477-14 of the Revised Statutes of Ohio be so amended as to read as follows:

Composed of whom; how elected.

Sec. (2477-2) Sec. 2. The five persons to be elected as such trustees, shall, together with five other persons, also members of the said fire department, be nominated for such office of trustees in a convention to be composed of one delegate from each engine, chemical engine, fire boat, hook and ladder or hose company, fire alarm telegraph company, and from the general office belong [ing] to the fire department of any such city, and convene at least two weeks prior to the election of such five persons. That such election shall be held in the respective houses or headquarters of such engine, chemical engine, fire boat, hook and ladder or hose company, telegraph department or general office, and to be by ballot cast by the members of said fire department between the hours of nine o'clock in the forenoon and six o'clock in the afternoon, on the first Tuesday of January, in each and every year hereafter, except the first election, which shall be held within thirty days after and by virtue of the passage of this act. That every such member shall be entitled to cast only one ballot, that no ballot shall contain the names of more than five persons, and the persons receiving the highest number of votes shall be declared elected as such trustees, and hold their offices until their successors are duly elected. That the captain, or officer in command of any such company, on the day of, and immediately after holding such election, shall canvass, count and certify in writing the number of ballots cast, and the vote received by each candidate for the office of trustee. After signing such certificate, said captain or officer in command shall at once address and deliver, or mail the same to the secretary of the board of trustees. That the president and secretary of the board of trustees, shall, together, within three days after the receipt of such certificate by said secretary, open the same, and ascertain and determine the total number of votes so cast at said election for the different persons for the office of trustee as returned by said captain or officer in command, and under the respective hands of such president and secretary issue certificates of their election to the five persons elected as such trustees. In case of a tie vote being received by any two persons for the office of said trustee, such tie vote shall be decided by casting lots, or in any other way which may be agreed upon by and between the persons for whom such tie vote was cast. No election shall

be set aside for want of formality in balloting by such members, or certifying or remitting the returns of any such election by said captain or officer in charge. In case of a vacancy occurring during the term for which any of such elective trustees was elected it shall be filled for the remainder of the unexpired term as follows: The aforesaid board of trustees shall forthwith designate a future day, which shall be more than three days, and not more than ten days distant from the day of its designation; upon which designated day there shall be held a special nominating convention, which special convention shall be composed of delegates chosen in the same manner as hereinbefore provided, for the choice of delegates to regular nominating conventions. Such special convention shall nominate for the office of trustee, not fewer than two persons for each existing vacancy, which persons shall each be active members of the said fire department. And such special convention shall fix a day for the holding of a special election for the filling of vacancies; upon which day between the hours of 9 o'clock in the forenoon and 6 o'clock in the afternoon a special election of trustees shall be held, in the same manner, at the same places, and under the same regulations as for annual elections; and the qualifications of voters thereat shall be the same as for annual elections; provided that no ballot cast at such special election shall contain a greater number of names than the number of vacancies to be filled at such election. Immediately after holding such special election, the votes cast shall be canvassed, counted and certified in like manner as for annual elections. And the president and secretary of the board of trustees shall proceed in like manner as for annual elections, shall ascertain and determine the number of votes so cast for the different persons as trustee at said special election; and the person or persons receiving the highest number of votes shall be declared elected; like certificates shall be issued to them as in the case of annual elections, and they shall forthwith enter upon the duties of trustees. In case of a tie vote being received by two or more persons at any such special election such tie vote shall be decided in the same manner as for the decision of tie votes at annual elections.

Vacancy, how filled.

Duties of county treasurer in Hamilton county.

Sec. (2477-4). Sec. 4. That the county treasurers of counties containing a city of the first grade of the first class shall annually at the time of their February settlement with the auditors of their respective counties, pay over to the treasurer of such city one-half of the amount to which such city is entitled under its annual levy of all the taxes paid into the treasury of such county by insurance companies incorporated by the authority of any other state or government, and doing business in any such city, on the gross receipts of every such insurance company, under and by virtue of the provisions of section two thousand seven hundred and forty-five of the Revised Statutes,

during the year preceding such settlement, and the money so paid over to such city treasurer shall, together with the amount heretofore so paid, constitute a pension fund for the purposes and objects hereinafter set forth.

Powers of commissioners to impose fines.

Sec. (2477-8.) Sec. 8. That the said board of fire commissioners may impose fines upon any member of the fire department in any such city, by way of discipline or punishment, detain and collect the same from the pay and salary of such member, and such fines, together with all rewards in money, fees, gifts and emoluments, that may be paid or given especially to such pension fund, on account of extraordinary service by said fire department, or any member thereof (except when allowed to be retained by such member, or given to endow a medal or other permanent or competitive reward), and all proceeds of suits for penalties for the violation of any provision of any statute of this state, or ordinances of said city, with the execution of which the said fire department, or any of its officers or members, is now, or hereafter may be charged, and any license or other fees payable under the same, shall be paid to and received by the said city treasurer, and applied by him to said pension fund. And the said board of fire commissioners are hereby authorized to further provide for the said pension fund, by assessing upon each member of the fire department of such city, a sum not exceeding one dollar ($1.00) per month; which sum when fixed shall be deducted from the monthly pay of each member, and shall be paid to and received by the said city treasurer, and shall be applied by him to such pension fund. And the said board of trustees may take by gift, grant, devise, or bequest, any money, real estate or personal property, right of property, or other valuable thing, the annual income of which shall not exceed fifty thousand dollars in the whole, and such money, real estate or personal property, right of property, or other valuable thing so obtained, shall in like manner be paid to and applied by such city treasurer to the said pension fund, and also to the use of such fund by deposit, investment or profit, as hereinafter provided, or as such board of trustees shall direct; provided, that the sum of one hundred thousand dollars, which may be received and accumulated under the provisions of this act, shall be, when so received and accumulated, retained as a permanent fund, the annual income of which may alone be available for uses and purposes of the said pension fund.

Further provision for pension fund.

May receive property by gift, grant, devise or bequest.

Permanent fund

Pension fund exempt from execution and process before or after its distribution.

Sec. (2744-14) Sec. 14. That no portion of the said pension fund shall, either before or after its order of distribution by the said board of trustees to such disabled member of said fire department, or to the widow or guardian of the minor child or children, or to the dependent mother or father of a deceased or retired member of such department, be held, seized, taken, subjugated, detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory, or other order or decree, or any

process or proceeding whatever, issued out of, or by any court in this state, for the payment or satisfaction, in whole or in part, of any debt, damages claimed, and judgment, fine or amercement of such member, or his said widow, or the guardian of his minor child or children, or of the dependent mother or father of any deceased member; but the said fund shall be sacredly held, kept, secured, promoted and distributed, for the purpose of pensioning the persons named in this act, and for no other purposes whatever; provided, however, that no person shall be considered a member of the fire department within the meaning of this act, or entitled to its benefits, except the fire-marshal and assistant fire-marshal, captains, lieutenants, engineers, stokers, pipemen, drivers, truckmen, assistant superintendent, operators, repairers or linemen of the fire alarm telegraph, and all substitutes regularly appointed by the said fire-marshal, according to the rules of said fire department while in the actual performance of their duties as substitute members; providing that all members deriving benefits under the act of March 29th, 1883, entitled "An act to amend section 1 of an act entitled 'An act to provide for the relief of disabled firemen, in cities of the second grade of the first class,' as amended April 16, 1891 (78 O. L., 137), and to amend sections two and three of said original act (77 O. L., 309)," shall be deemed beneficiaries under this act, and shall receive benefits equal in amount, and under like conditions as those who shall hereafter be made beneficiaries under this act. Provided, that if any active member of the fire department of such city shall decline or refuse to pay the monthly assessments upon members authorized by section 2477-8, neither such member nor any other person on account of his membership shall receive any of the benefits of the said pension fund or any part of it.

Member of department who refuses to pay assessment, shall receive no benefit from this act.

Repeals.

SECTION 2. That said original sections (2477-2), (2477-4), (2477-8) and (2477-14) of the Revised Statutes be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 120G

[House Bill No. 471.]

AN ACT

To repeal an act entitled "An act to amend an act entitled 'An act to authorize certain cities of the fourth grade of the second class to purchase lands and erect buildings thereon, and issue bonds therefor,'" passed April 22, 1890 (Ohio laws, vol. 87, pp. 253 and 254).

Be it enacted by the General Assembly of the State of Ohio:

Repeal of act authorizing Galion to purchase lands and erect buildings thereon, and issue bonds therefor.

SECTION 1. That an act passed April 22, 1890 (Ohio laws, vol. 87, pp. 253 and 254), entitled "An act to amend an act entitled 'An act to authorize certain cities of the fourth grade, second class, to purchase lands and erect buildings thereon, and issue bonds therefor,'" be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after first day of April, 1901.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 121G

[House Bill No. 586.]

AN ACT

To provide for the erection of a monument on the site of the confederate military prison at Andersonville, Georgia.

Preamble.

WHEREAS, The title to the land on which was located the confederate military prison at Andersonville, Georgia, during the war of the rebellion, embracing the stockade, earthworks, and adjacent territory, comprising eighty-eight and one-half acres, vests in a board of five trustees elected by and representing the national organization known as the woman's relief corps, auxiliary to the grand army of the republic; and

WHEREAS, The said trustees have already expended a considerable sum of money in restoring, so far as possible, the historic points of interest, and have provided for the care of the grounds, by the said organization, and their successors; and

WHEREAS, During the time this stockade was used as a military prison in the years 1863 and 1864, thirty-five thousand union soldiers and sailors were confined under guard on a plot of ground comprising twenty-seven and one-half acres; and

WHEREAS, Nearly fourteen thousand of the prisoners thus held in confinement gave up their lives in defense of the national government, of whom one thousand and fifty-

five were from Ohio, and whose bodies are buried in the national cemetery at Andersonville; and

WHEREAS, It is but a just recognition of Ohio's heroic sons that a monument be erected to commemorate their devotion to the flag of their country under circumstances the most trying in a soldier's career; therefore

Be it enacted by the General Assembly of the State of Ohio:

Governor to appoint commission to locate and erect mounument at Andersonville, Georgia.

SECTION 1. That the governor of the state of Ohio shall be and is hereby authorized to appoint a commission, consisting of three citizens, of whom two shall have been prisoners of war at Andersonville, who shall serve without compensation, but whose actual expenses shall be paid, to locate and erect a suitable monument, commemorative of the valor and sacrifices of the soldiers and sailors from Ohio, who were held in confinement in this confederate military prison.

Report to governor.

SECTION 2. The said commission shall make a full report of the execution of its trust to the governor on or before the 15th day of November of each year, during the continuance of said trust.

Appropriation.

SECTION 3. That the sum of five thousand five hundred dollars ($5,500) be, and the same is hereby appropriated out of any funds in the state treasury, to the credit of the general revenue fund, not otherwise appropriated, to be drawn and used by said commission, as hereinbefore provided, for the erection of a monument, and the payment of the expenses of said commission. The monument and its erection complete to cost not less than five thousand dollars ($5,000).

SECTION 4. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 122G

[House Bill No. 767.]

AN ACT

To amend section 555 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Provisions for courts of record:

SECTION 1. That section 555 of the Revised Statutes of Ohio, be and the same is hereby amended to read as follows:

Transmittal of commissions to judges of courts superior to probate courts, etc.; oath of office to be taken.

Sec. 555. Every commission that is issued by the governor to a judge of the supreme court shall be delivered by the secretary of state to the person to whom it is issued, and upon the demand of such person, and the person to

whom said commission is issued, shall on or before the first day of his official term under said commission appear before the supreme court, or before a judge thereof if the court is not in session, and take the oath required by the constitution and the statutes of this state, and the taking of such oath shall be shown by entry upon the journal of the supreme court. Every commission that is issued by the governor to a judge of the circuit court, a judge of the common pleas court, or a judge of a superior court of any county or city, shall be transmitted by the secretary of state to the clerk of the common pleas court of the county wherein such judge resides, and such clerk shall receive and forthwith transmit the same to the person entitled thereto; whereupon such person having received such commission, shall take the oath required by the constitution and statutes of this state and transmit a certificate thereof to the same clerk, signed by the officer administering such oath, within twenty days after he has received such commission.

Repeals.

SECTION 2. That said original section 555 of the Revised Statutes, as amended February 7, 1895, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 123G

[House Bill No. 517.]

AN ACT

To amend sections 3107-48, 3107-50, 3107-51, 3107-52 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Military affairs:

SECTION 1. That sections 3107-48, 3107-50, 3107-51, 3107-52 of the Revised Statutes be amended so as to read as follows:

Preference in appointment in public service to be given to honorably discharged soldiers and sailors.

Sec. 3107-48. In every public department, and all public departments in all municipal corporations, and upon all public works of the state of Ohio, honorably discharged soldiers, sailors and marines of the United States shall be preferred for appointments and employment; age, loss of limb or other physical impairment, which does not, in fact, incapacitate, shall not be deemed to disqualify them; provided, however, that the applicant shall have been a resident of the county in which the office or position is located, for at least one year, and possesses the other requisite qualifications.

[illegible] 30. The board of county commissioners of [illegible] counties in this state is hereby authorized and [illegible] levy, in addition to the taxes now levied by [illegible] purposes than those herein provided, a tax [illegible] three-tenths; and in counties containing a [illegible] soldiers' home not exceeding five-tenths of one [illegible] dollar on the assessed value of the property of [illegible] respective counties, to be levied and collected as now provided by law for the assessment and collection of taxes, for the purpose of creating a fund for the relief of honorably discharged soldiers, indigent soldiers, sailors and marines of the United States, and the indigent wives, parents, widows and minor children under fifteen years of age, of such indigent or deceased soldiers, sailors or marines, to be disbursed as hereinafter provided.

[illegible] law [illegible]

Sec. 3107-51. It is hereby made the duty of the soldiers' relief commission hereinafter provided, in each county of this state, as soon as practicable after the passage of this act, and annually thereafter on the first Monday in January in each year, to appoint for each township in such county, and for each ward in any city in any such county, a soldiers' relief committee, consisting of three persons, residents of each such township and ward, who shall be honorably discharged soldiers, sailors or marines of the United States; provided, that if there are no such soldiers, or sailors or marines who are residents of any such township or ward, then there shall be appointed three reputable citizens, one of whom shall be designated as chairman of such township or ward soldiers' relief committee; and to fill all vacancies that may occur in any such committee, and to remove any member of any such committee for cause; and provided further, that in any township or ward where there is located a post of the grand army of the republic, said township or ward committee shall be appointed on the recommendation of said grand army post; and it shall be the duty of each such township and ward soldiers' relief committee, in its respective township or ward, to receive all applications for relief under the provisions of this act, from applicants residing in such township or ward, to examine carefully into the case of each applicant, and on the first Monday in May in each year to make a list of the names of all indigent soldiers, sailors and marines, and the indigent parents, wives, widows and minor children of the same, including widows of such soldiers, sailors and marines who have remarried, but again have become indigent widows, who are residents in such township or ward who have been bonafide residents of the state one year, and of the county six months, next prior to said first Monday in May, and who, in the opinion of any such township, or ward relief committee, require aid, and are entitled to relief under the provisions of this act; and it shall be the duty of the chairman of each township and ward soldiers' relief committee, or other member of such committee authorized by such committee, to deliver such list

Lists of persons entitled to relief to be made.

to the soldiers' relief commission, hereinafter provided, or its secretary, on or before the last Monday in such month of May, together with a statement of each applicant for relief, of the income, if any, of the applicant, the amount of taxable property, real and personal, of stocks, bonds, moneys on hand, loaned or deposited in any bank or elsewhere, shares in building associations, mortgages, notes or other articles of value from which an income or revenue is derived by the applicant; said statements shall be made upon blanks which shall be furnished by the soldiers' relief commission, and shall be subscribed by the applicant; and in case any false statement is made therein by any applicant for relief, or guardian for such applicant, such applicant or guardian shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction shall be fined in any sum not exceeding fifty dollars nor less than twenty dollars, and be imprisoned in the county jail for a period not exceeding sixty days nor less than thirty days, and on said last Monday in May said commission shall meet and determine from said lists the probable amount necessary for the aid and relief of such indigent persons for the ensuing right to such relief shall be established to the satisfaction of such commission, to furnish relief to any such indigent persons not named on said lists, whose right to such relief shall be established to the satisfaction of such commission, after determining the probable amount necessary for the purpose aforesaid, shall certify the same to the county commissioners of the county, who, at their June session shall make such levies as shall be necessary to raise the required relief, not exceeding three-tenths, except in counties containing a national soldiers' home not exceeding five-tenths of a mill per dollar on the assessed value of the property of the county.

Determination of amount necessary for such relief.

Sec. 3107-52. Any judge of the court of common pleas in each of said counties shall, on or before the first Monday in April, appoint three persons, residents of such county, two of whom shall be honorably discharged soldiers, sailors or marines of the United States, one to serve three years, one to serve two years, and one to serve one year from the date of such appointment, and each year thereafter one person to serve for three years. Such persons so appointed, when organized by the selection of one of their number as president and one as secretary, shall be known and designated as "the soldiers' relief commission," and in counties containing a national soldiers' home, or counties having a city of the first class, first grade, an assistant secretary may be employed, prescribing his duties and compensation. In the event of a vacancy in said commission, and for cause, a judge of the court of common pleas may remove any member of the commission and shall fill all vacancies occurring therein; a judge of the court of common pleas shall fill the vacancy for the unexpired term; provided, however, that nothing in this act shall be construed as terminating or abridging the term of office of

Soldiers' relief commission.

any present member of any soldiers' relief commission heretofore appointed, except as to removals for cause, and all appointments under this act shall be made with reference to said former appointments as if the same were made under the provisions of this act.

Repeals.

SECTION 2. That said original sections 3107-48, 3107-50, 3107-51, 3107-52 of the Revised Statutes of Ohio be and the same are hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 124G

[House Bill No. 472.]

AN ACT

Concerning the binding, printing and labeling of the state official documents and journals.

Be it enacted by the General Assembly of the State of Ohio:

How official documents to be bound, indexed and labeled.

SECTION 1. That the official documents, known as the executive documents, to be published hereafter shall be bound in volumes of about one thousand pages each, with the table of contents of each volume stamped on the back of the respective volumes, and that each of the official documents known as the executive documents, and each volume of the house journal, and each volume of the senate journal, shall have placed upon the back of the same as a part of its label the word "Ohio."

Repeals.

SECTION 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 125G

[House Bill No. 879.]

AN ACT

To amend section 2267 of the Revised Statutes of Ohio, as amended April 27, 1896, v. 92 O. L., 340.

Be it enacted by the General Assembly of the State of Ohio:

Assessments:

SECTION 1. That section 2267 of the Revised Statutes of Ohio, as amended April 27, 1896 (92 O. L., p. 340), be amended so as to read as follows:

When two-thirds vote requisite; Toledo.

Sec. 2267. No public improvement the cost or part of cost of which is to be especially assessed on the owner of adjacent property, and no order appointing assessors of damages, or confirming their report, shall be made without the concurrence of the council, and it shall be essential that two-thirds of the whole number of members elected to the council concur, unless two-thirds of the owners to be charged, petition in writing therefor; and in villages not situated in a county containing a city of the first class, no special assessments shall be made except for sidewalks and gutters, and main or trunk line sewers, and such other sewers, as are provided with a good and sufficient outlet unless it first receive the assent in writing, of a majority of the owners to be charged therewith. Provided that in cities of the third grade of the first class no public improvements (except sidewalks, sewers and the appropriating or otherwise acquiring, lots or lands for the purpose of laying off, opening, extending, straightening or widening streets, alleys or other public highways, for the power to make which improvement no petition shall be necessary) the cost or part of the cost of which is to be assessed on the owners of adjacent property shall be made until a majority of the owners of the property to be assessed shall have petitioned to the common council asking for said improvement, and a statement of title showing the existing owners of said property shall have been filed with the city clerk, and until said petition shall have been approved by the city solicitor and his certificate endorsed thereon, the cost of procuring said statement to be taxed as part of the cost of improvement against the property assessed therefor.

Repeals, etc.

SECTION 2. That said section 2267, as amended April 27, 1896 (92 v. 340), be and the same hereby is repealed; and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.

JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 126G

[House Bill No. 347.]

AN ACT

To supplement section 2735 of the Revised Statutes of Ohio, relating to the taxation of personal property.

Be it enacted by the General Assembly of the State of Ohio:

Listing personal property:

SECTION 1. That the following sections be enacted as supplementary to section two thousand seven hundred and thirty-five of the Revised Statutes of Ohio, with sectional numbering as herein provided.

When person deemed resident of this state for taxation purposes.

Sec. 2735*a*. Any person who shall have had his actual or habitual place of abode in this state for the larger portion of the twelve months next preceding the day before the second Monday of April in each year, shall, for the purposes of taxation, be deemed a resident of this state, and the personal property which he is required by law to list shall be taxable therein, unless he shall on or before said day have changed his said place of abode to a place without this state with the bona fide intention of continuing actually to abide permanently without this state. The fact that any person who has so changed his actual place of abode, shall, within six months from so doing, again abide within this state, shall be prima facie evidence that he did not intend to permanently to have his actual place of abode without this state. Any such person so changing his actual place of abode, and not intending permanently to continue the same without this state and not having listed his property for taxation as a resident of this state, shall, for the purpose of having his property listed for taxation within this state, be deemed to have resided on said day, and time when the same should have been listed, at his last actual or habitual place of abode within this state. And the fact that a person whose actual or habitual place of abode during the greater portion of said twelve months has been within this state, does not claim or exercise the right to vote at public elections within this state, shall not of itself constitute him a non-resident of this state within the meaning of this section. Nothing herein contained shall relieve any person or property, who or which, but for this act, would be subject to taxation within this state; and no provision in this act shall be construed to repeal any statute now in force as to the taxation of personal property.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 127G

[House Bill No. 362.]

AN ACT

To amend sections 4448 and 4512 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

County and township ditches:

SECTION 1. That said sections 4448 and 4512 be so amended as to read as follows:

Meaning of words "ditch" and "according to benefits" as used herein.

Sec. 4448. The word "ditch" as used in this chapter shall be held to include a drain or watercourse. The petition for any such improvement shall be held to include any side, lateral, spur or branch ditch, drain or watercourse necessary to secure the object of the improvement, whether the same is mentioned therein or not; but no improvement shall be located unless a sufficient outlet is provided. The words "according to the benefits" used in this chapter in directing boards of county commissioners to assess lands for ditches and in directing engineers to report assessments for the same shall not be held to authorize any assessments for benefits conferred upon lands by nature nor the right of easement of the owners of superincumbent lands to pass the water therefrom through natural watercourses, and the commissioners may change either terminus of said ditch before its final location if the object of the improvement will be better accomplished thereby.

Commissioners may change terminus.

Meaning of words "ditch" and "according to benefits" in chapter.

Sec. 4512. The word "ditch" when used in this chapter shall be held to include a drain or watercourse, and the petition for any such improvement shall be held to include any side, lateral, spur or branch ditch, drain or watercourse necessary to be constructed to secure the object of the improvement, whether the same is mentioned therein or not; and this chapter shall extend to and include the straightening of streams and watercourses. The words "according to the benefits" when used in this chapter, in directing township trustees to assess lands for ditches and in directing engineers to report assessments for the same shall not be held to authorize any assessments for benefits conferred by nature, nor the right of easement of owners of superincumbent lands to pass the waters therefrom through natural watercourses.

Repeals, etc.

SECTION 2. Section 4448, as amended January 30, 1883, and section 4512, 74 v. 202, are hereby repealed; and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 128G

[House Bill No. 514.]

AN ACT

To create an office for the auditing and collection of soldiers' claims, and for the relief of Ohio soldiers.

Be it enacted by the General Assembly of the State of Ohio:

Establishment of office of Ohio soldiers' claims.

SECTION 1. That for the purpose of preparing and collecting the claims of Ohio soldiers, and their legal representatives, against the government of the United States, growing out of military services, and for the protection and relief of Ohio soldiers, whether in service or discharged, there be and is hereby established, at the seat of government of the state "An office of Ohio soldiers' claims."

Commissioner of soldiers' claims; appointment; term.

SECTION 2. The chief of said office shall be styled the "commissioner of soldiers' claims," and shall be appointed by the governor, with the advice and consent of the senate, and shall hold his office for the term of two years, and until his successor is appointed and qualified,

Bond.

subject to removal by the governor. He shall give bond to the acceptance of the governor in the sum of ten thousand dollars, payable to the state of Ohio, conditioned for the paying over according to law all moneys which may come into his hands by virtue of his office; which bond shall be deposited with the treasurer of state. That

Salary.

said commissioner shall receive a salary of eighteen hundred dollars per annum, be furnished with a suitable office, and may appoint such clerical assistance as may be approved by the governor, and shall receive from the

Duties

secretary of state all necessary stationery. It shall be the duty of said commissioner, on demand, to furnish and give all necessary instructions and advice, to the soldiers and marines of Ohio, or their heirs or legal representatives, respecting the claims of such soldiers and marines, against the United States, for pensions, bounty, back pay or otherwise, by reason of military service, and to collect such claims, and perform all other duties which the governor may require of him appertaining to the duties of said office. He shall keep correct accounts showing all moneys received, from whom and when, and when paid out. He shall keep a register showing the situation and disposition of each claim, and his books shall at all times be open to

Penalty for accepting fee.

inspection. If any such commissioner or clerk shall receive any fee or reward of any kind, directly or indirectly, from any claimant or other person, for services rendered or to be rendered, relating to any duty required of him under this act, or in any manner connected therewith, he shall be deemed guilty of a misdemeanor, and be fined in any sum not exceeding five hundred dollars, or be confined in the jail of the county not exceeding thirty days, or both, at the discretion of the court. All prosecutions under this act shall be by indictment in the court of com-

May administer oath.

mon pleas of the proper county. The said commissioner shall have the power to administer oaths and affirmations;

he shall keep a seal of office, and his official certificate shall be received in evidence without further authentication.

SECTION 3. This act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 129G

[House Bill No. 603.]

AN ACT

To amend section 3659 of the Revised Statutes of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Insurance companies other than life:

SECTION 1. That section 3659 of the Revised Statutes of the state of Ohio be and the same is hereby amended so as to read as follows:

Revocation of license of foreign insurance company.

Sec. 3659. If any such company, association or partnership doing business within this state makes an application for a change of venue, or to remove any suit or action wherein such company has been sued by a citizen of this state, now pending, or hereafter commenced in any court of this state, to the United States district or circuit court, or to any federal court, or shall enter into any compact or combination with other insurance companies, or shall require their agents to enter into any compact or combination with other insurance agents or companies, for the purpose of governing or controlling the rates charged for fire insurance on any property within this state, or for the purpose of governing or controlling the rates per centum or amount of commission or compensation to be allowed agents for procuring contracts for fire insurance on any property within this state (provided that nothing herein shall prohibit one or more of such companies from employing a common agent or agents to supervise and advise of defective structures, suggest improvements to lessen the fire hazard, and to advise as to the relative value of risks), the superintendent of insurance shall forthwith revoke and recall the license or authority to it to do or transact business within this state, and no renewal of authority shall be granted to it for three years after such revocation; and it shall thereafter be prohibited from transacting any business in this state until again duly licensed and authorized.

Repeals, etc.

SECTION 2. Said section 3659 is hereby repealed and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 130G

[House Bill No. 875.]

AN ACT

To amend section 1 of an act entitled "An act for the establishment and maintenance of public libraries in certain cities of the first class," passed April 12, 1888, O. L. v. 85, p. 209 (sec. 4002-19, Revised Statutes), and to repeal supplementary section 1*a* of said act, passed March 12, 1889 (sec. 4002-20, Revised Statutes.)

Be it enacted by the General Assembly of the State of Ohio:

School houses and libraries:

SECTION 1. That said section 1 of said above entitled act be, and the same is hereby amended to read as follows:

Establishment of Toledo public library; tax for library.

Sec. 1. That in any city of the third grade of the first class, the city council may, by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of such city, to establish and maintain therein a public library and reading room. That thereafter the said city council shall, annually, levy a tax of thirty-five one-hundredths (35-100) of one mill on the dollar on the taxable property of such city for that purpose, to be called the library fund; and which levy shall be certified to the county auditor of the county, and by him placed on the tax duplicate of the county and collected as other taxes.

Repeals, etc.

SECTION 2. That said section 1 and said supplementary section 1*a* be, and the same are, hereby repealed; and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 131G

[House Bill No. 782.]

AN ACT

To amend section 5 of an act entitled "An act to revise and improve the statutes of Ohio relating to the care of the poor," passed April 26, 1898.

Be it enacted by the General Assembly of the State of Ohio:

Infirmary directors:

SECTION 1. That section 5 of an act entitled "An act to revise and improve the statutes of Ohio relating to the care of the poor," passed April 26, 1898, be amended so as to read as follows:

Insane or epileptic excluded from infirmary.

Sec. 5. That on and after June 1, 1903, it shall be unlawful to receive, or keep, at any county infirmary in the state of Ohio, any insane or epileptic persons, and all sections authorizing the receiving or committing of such insane and epileptic persons to the infirmaries of the state are hereby repealed.

SECTION 2. That said original section 5 is hereby repealed, and this act shall take effect on its passage. Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 132G

[House Bill No. 918.]

AN ACT

To provide for the appointment of a board of commissioners to erect a building on the grounds of the Pan-American exposition and to take charge of such building and exhibits that may be placed therein.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the governor be and hereby is authorized to appoint a commission of three residents of the state of Ohio, no more than two of whom shall be of the same political party whose duty it shall be to decide upon plans and specifications for an Ohio building to be erected on the grounds of said Pan-American exposition, at or near the city of Buffalo, New York. After such plans and specifications have been determined upon said commissioners shall advertise for bids for the erection of such building in accordance with such plans and specifications and shall let the contract for the erection and equipment of such building; and after the completion of such building shall take charge of the same, together with any exhibits that may be placed therein, and may adopt such rules and regulations as they may deem necessary and proper for the care and control of such building, and exhibits placed therein. Appointment of commission to erect building on grounds of Pan-American exposition.

SECTION 2. That on the close of such exposition said commissioners shall advertise for the sale of said building and shall dispose of the same to the highest bidder, and shall turn the proceeds received therefrom into the treasury of the state of Ohio to the credit of the general revenue fund, and shall make an itemized report to the governor of Ohio of all their expenditures under and by virtue of the provisions of this act. Sale of building.

SECTION 3. There is hereby appropriated out of any money in the treasury of the state of Ohio to the credit of the general revenue fund, and not otherwise appropriated, the sum of twenty-five thousand dollars ($25,000) for the erection and equipment of such building, and the further sum of five thousand dollars ($5,000) for the expenses of the commission provided for in this act and to pay for the necessary help in caring for such building. Appropriation.

SECTION 4. This act shall take effect and be in force on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 133G

[House Bill No. 73.]

AN ACT

To authorize the payment to members of company "M," second regiment. and company "M," first regiment Ohio national guards, money due them for services rendered.

Be it enacted by the General Assembly of the State of Ohio:

Provisions for payment of certain companies O. N. G.

SECTION 1. That the members of a company of militia, organized and recruited at Paulding, Ohio, having seventy-nine enlisted men and three commissioned officers, ordered to Columbus, Ohio, upon the 4th day of May, A. D. 1898, to be mustered into the Ohio national guards, as company "M," second regiment, Ohio national guards, and the commissioned officers, first sergeant, and twenty-one enlisted men recruited at Cincinnati to be mustered in as company "M," first regiment infantry, Ohio national guard, be paid for services rendered the state of Ohio, at camp Bushnell, Ohio, from the 4th day of May, A. D. 1898, to the 11th day of May, A. D. 1898, both days inclusive, as is provided in section 3081 of the Revised Statutes of the state of Ohio, and in the manner provided in section 3083 of the Revised Statutes of the state of Ohio.

SECTION 2. That it be further provided that Samuel W. Ennis, captain of said company, Alfred N. Wilcox, first lieutenant of said company, and John P. Miller, second lieutenant of said company "M," second regiment, O. N. G., and Cassily C. Cook, captain, H. C. Williams, first lieutenant, and W. R. Collins, second lieutenant of said company "M," first regiment, O. N. G., be paid as is provided for commissioned officers of their respective rank in section 3081 of the Revised Statutes of the state of Ohio.

Bond of captain.

SECTION 3. That it be further provided, that Samuel W. Ennis, captain of said company "M," second regiment, O. N. G., and Cassily C. Cook, captain of said company "M," first regiment, O. N. G., at said time, give bond unto the state of Ohio, for twice the sum of money he may draw for the payment of said company, to be approved by the adjutant general of the state of Ohio, and shall make his returns to the adjutant general of the state of Ohio, and after his approval of the same shall be relieved from any further liability, and the said Samuel W. Ennis and the said Cassily C. Cook shall be recompensed

for such additional work as the adjutant general of the state of Ohio shall approve and direct.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 134G

[House Bill No. 498.]

AN ACT

To amend sections 4364–49, 4364–50, 4364–51, 4364–52, 4364–53, so as to provide for the better protection of skilled labor; for the registration of labels, marks, names or devices covering the products of any association or union of workingmen, and for the repeal of said original sections 4364–49, 4364–50, 4364–51, 4364–52 and 4364–53, Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4364-49, 4364-50, 4364-51, 4364-52 and 4364-53, Revised Statutes of Ohio, be and the same are hereby amended and supplemented so as to read as follows:

Labels and marks:

Sec. 4364-49. Whenever any association or union of workingmen has heretofore adopted or used, or shall hereafter adopt or use any label, trade mark, term, design, device or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise, or other product of labor, as having been made, manufactured, produced, prepared, packed or put on sale by such association or union of workingmen or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trade mark, term, design, device or form of advertisement, or to use, sell, offer for sale or in any way utter or circulate any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement.

Unlawful to counterfeit any label, trade marks, etc., of an association or union of workingmen.

Also to use, sell etc., such imitation of label, trade mark, etc.

Sec. 4364-50. Whoever counterfeits or imitates any such label, trade mark, term, design, device or form of advertisement; or sells, offers for sale or in any way utters or circulates any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement; or keeps or has in his possession with intent that the same shall be fraudulently sold or disposed of, any goods, wares, merchandise or other product of labor to which or on which any such counterfeit or imitation is printed, painted, stamped or impressed; or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can or package, to which or on

Penalty for so doing.

which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed; or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor, in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, shall be punished by a fine of not more than two hundred dollars ($200).

Filing of copy of label, trade-mark, etc with secretary of state.

Sec. 4364-51. Every such association or union that has heretofore adopted or used, or shall hereafter adopt or use, a label, trade mark, term, design, device or form of advertisement as provided in section 4364-49 of this act, may file the same for record in the office of the secretary of state by leaving two copies, counterparts or fac-similes thereof, with said secretary and by filing therewith a sworn application specifying the name of the association or union on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed; the class of merchandise and a description of the goods to which it has been or is intended to be appropriated, stating that the association or union of workingmen so filing or on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed, has the right to the use of the same; that no other person, firm, association, union or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the fac-similes or counterparts filed therewith are true and correct. There shall be paid for such filing and recording a fee of one dollar. Said secretary shall deliver to such association or union so filing or causing to be filed any such label, trade mark, term, design, device or form of advertisement so many duly attested certificates of the recording of the same as such association, or union may apply for, for each of which certificates said secretary shall receive a fee of one dollar. Any such certificate of record shall in all suits and prosecutions under this act be sufficient proof of the adoption of such label, trade mark, term, design, device or form of advertisement. Said secretary of state shall not record for any union or association any label, trade mark, term, design, device or form of advertisement that would probably be mistaken for any label, trade mark, term, design, device or form of advertisement theretofore filed by or on behalf of any other person, union or association.

Fee and certificate.

Penalty for filing such label, mark, etc., by making any misrepresentation.

Sec. 4364-52. Any person who shall for himself or on behalf of any other person, association or union procure the filing of any label, trade mark, term, design or form of advertisement in the office of the secretary of state under the provisions of this act, by making any false or fraudulent representation or declaration, verbally or in writing or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered

by or on behalf of the party injured thereby in any court having jurisdiction and shall be punished by a fine not exceeding two hundred dollars ($200).

Enjoining of manufacture, etc., of goods bearing same.

Sec. 4364-53. Every such association or union adopting or using a label, trade mark, term, design, device or form of advertisement as aforesaid, may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof, and all courts of competent jurisdiction shall grant injunctions to restrain such manufacture, use, display or sale, and may award the complainant in any such suit damages resulting from such manufacture, use, sale or display as may be by the said court deemed just and reasonable, and shall require the defendants to pay to such association or union, all profits derived from such wrongful manufacture, use, display or sale; and such court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such cause be delivered to any officer of the court, or to the complainant to be destroyed.

Penalty for unauthorized use of label, trade mark, etc.

Sec. 4364-53*a*. Every person who shall use or display the genuine label, trade mark, term, design, device or form of advertisement of any such association or union in any manner not being authorized so to do by such union or association, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than two hundred dollars ($200). In all such cases where such association or union is not incorporated, suits under this act may be commenced and prosecuted by an officer or member of such association or union on behalf of and for the use of such association or union.

Penalty for unauthorized use of name or seal of such association or union.

Sec. 4364-53*b*. Any person or persons who shall in any way use the name or seal of any such association or union or officer thereof in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than two hundred dollars ($200).

Repeals, etc.

SECTION 2. That said original sections 4364-49, 4364-50, 4364-51, 5364-52, 4364-53, Revised Statutes of Ohio, are hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 135G

[House Bill No. 754.]

AN ACT

To amend and supplement an act to abandon the Wabash and Erie canal in Paulding county, passed March 3, 1891.

Be it enacted by the General Assembly of the State of Ohio:

Wabash and Erie canal: Abandonment of, etc.

SECTION 1. That section two (2) of an act entitled an act to abandon the Wabash and Erie canal, in Paulding county, passed March third (3rd), 1891, volume 88 of Ohio laws, page 72, sections 218-253, Bates' Revised Statutes, be amended and supplemented as follows:

Reversion of land.

SECTION 2. And the land occupied by said canal, towing path and berme banks in total be, and the same hereby is transferred to the owners of the tracts of land through which said canal runs, except so much thereof as has been sold heretofore by the state, but subject to all legal highways and legally established ditches and water courses along, across or upon the same.

SECTION 3. This act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 136G

[House Bill No. 206.]

AN ACT

To amend section 2824 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Levying taxes: Levy of taxes for county road and bridge purposes.

Sec. 2824. The commissioners, at their March or June sessions, annually, may levy on each dollar of valuation of taxable property within their county, for road and bridge purposes, as follows; In a county where the valuation of taxable property exceeds eighty millions and does not exceed one hundred and twenty millions dollars, five-tenths of a mill; where the amount exceeds fifty millions and does not exceed eighty millions, seven-tenths of a mill; where the amount exceeds twenty millions and does not exceed fifty millions of dollars, one mill and one-tenth; where the amount exceeds ten millions and does not exceed twenty millions of dollars, one mill and five-tenths; where the amount exceeds five millions and does not exceed ten millions of dollars, three mills; and where the amount is less than five millions of dollars, five mills and five-tenths; and of the tax so levied, the commissioners shall set apart such portion, as they may deem proper, to be applied to the building and repair of bridges, which portion so set apart shall be called a bridge fund, and shall be entered on the duplicate in a separate column, and shall be collected in money, and expended, except as may be otherwise pro-

vided by law, under the directions of the commissioners in building bridges and culverts, or in repairing the same; provided, that in any county containing a city of the first grade of the first class, where the valuation of taxable property exceeds two hundred millions of dollars, the commissioners of said county may levy on each dollar of valuation of taxable property within said county, for bridge purposes exclusively, not to exceed one-half of a mill, which shall be collected in money and placed by the auditor to the credit of the bridge fund of the county, and the same shall be expended by the commissioners in building bridges and culverts, and in repairing and making fills and approaches to the same in the townships outside of the corporate limits of said city, and for no other purpose whatever; except that a portion of said fund collected in the said county, amounting to not less than a levy of one-sixth of a mill on each dollar of valuation of the taxable property within said county in all cases where the board of legislation of said city of the first grade of the first class shall demand it, shall be paid into the city treasury of said city and shall be expended by the board of administration of said city, for the purpose of building and repairing of bridges within the corporate limits of the same; provided, further, that in case an important bridge belonging to or maintained by any county has been or shall be destroyed or become dangerous to public travel by decay or otherwise, and the restoration thereof is deemed necessary for public accommodation, the commissioners may levy a special tax for that purpose, not exceeding one mill and five-tenths, the proceeds of which shall be applied solely to such restoration; and the commissioners may anticipate the collection of such special tax by borrowing any sum not exceeding the amount so specially levied or to be levied, at any rate of interest not exceeding six percentum, and issue notes or bonds therefor, payable upon the collection of such special tax; provided, further, that in all cities of the second grade of the first class, and all cities of the second class one-half of the proportion of said bridge fund collected upon the property within said cities, in all cases where the city council shall demand it, shall be paid into the city treasury, and shall be expended by such city for the purpose of building and repairing bridges; and provided further, that in cities having at the last federal census, or at any subsequent federal census a population of 8,273, the whole of the proportion of said bridge fund collected upon the property within said city shall upon demand of the council of said city therefore be paid into the treasury of said city, and shall be expended by said city for the purpose of building and maintaining bridges therein; provided further, that the commissioners of Montgomery county shall levy not exceeding one mill and six-tenths for road and bridge purposes, and that said levy shall only be on property subject to taxation outside the city of Dayton, and the proceeds of such levy shall be applied exclusively to

Hamilton county.

Payment to Cincinnati.

Special tax to restore important bridge.

Anticipation thereof.

Cleveland and cities of second class.

Marietta.

Montgomery county.

Dayton. roads and bridges outside of said city; and the council of said city may annually levy on the taxable property within the same, for bridge purposes, a tax of one mill and one-tenth in addition to the total aggregate of taxation now authorized by said council, to be expended for building and repairing bridges within said city; and provided further, that the commissioners of Trumbull county may levy not to exceed the rate allowed by law for road and bridge purposes, and that said levy shall only be on property subject to taxation outside of the city of Warren, and the proceeds of such levy shall be applied to road and bridge purposes exclusively outside of said city; and the council of said city may annually levy on each dollar of valuation of taxable property within said city for bridge purposes, one and five-tenths of a mill, in addition to the total aggregate of taxation now or hereafter authorized by law, to be expended for building and repairing bridges within said city; except that in the event that the commissioners of the county transfer from the road and bridge fund to some other fund, the whole or some part of the six-tenths of a mill as now allowed by law, the council of said city shall make a like transfer to the same county fund; and the council of said city may anticipate the whole or some part of the annual levy for said purposes for the period of ten years or less, by borrowing a sum, not exceeding twenty thousand dollars, at a rate of interest not exceeding six per centum, and issue bonds therefor, payable on the collection of said tax. Said last proviso relating to the city of Warren in said Trumbull county shall expire by limitation after twelve years from the time it becomes a law, and said city shall again become a part of the county for bridge purposes under the general law; provided further, that the commissioners of Holmes county at their March or June sessions shall levy on all the taxable property of said county, the amount now authorized by law for road and bridge purposes to be used on roads and bridges, and the commissioners of Holmes county may turn over such portion of the taxes so raised for roads and bridges on the taxable property in said incorporated village of Millersburg, said county, to the council of said incorporated village for road and bridge purposes as they may deem proper, and the commissioners of said county on the demand of said council of the incorporated village of Millersburg shall turn over to the treasury of said village the pro rata share of the taxes levied in 1899.

Trumbull county.

Warren.

Expiration of proviso.

Holmes county.

Repeals, etc. SECTION 2. Said original section 2824 be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 137G

[House Bill No. 190.]

AN ACT

To amend section 4029-1 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4029-1 of the Revised Statutes of the state of Ohio be amended to read as follows:

Schools and attendance enforced:

Examination for entering high school.

[Sec. 4029-1]. Each board of county school examiners shall hold examinations of pupils of the subdistricts and special districts, in the subjects of orthography, reading, writing, arithmetic, geography, English grammar, United States history, and physiology. Two such examinations shall be held at such place or places and on such dates as the board of county examiners may determine, and shall be of such a character as shall permit the successful applicants, upon the payment of tuition, to enter any high school in the county in which the applicant resides, or in any adjoining county. The tuition of such successful applicant shall be paid by the board of education of the township or the special district in which such applicant resides, provided that there is no high school maintained and supported by the township or special district in which such pupil resides, where such pupil may attend without paying tuition.

Tuition to be paid by board of education.

Proviso

SECTION 2. Said original section 4029-1 is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 138G

[House Bill No. 749.]

AN ACT

To supplement section 2835 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following section shall constitute a section supplementary to section 2835 of the Revised Statutes of Ohio, with sectional numbering as follows:

Levying taxes:

Sec. 2835*a*. That any city of the third grade of the first class may, subject to the provisions herein contained, construct, reconstruct, enlarge or repair a bridge, or bridges, across any navigable river or rivers passing into or through any such city, and procure the necessary real estate and right of way for the approaches thereto, and supports thereof, either by purchase, gift, or appropriation

Construction of bridge over Maumee river in Toledo

in court, as the common council thereof may deem necessary, and issue bonds for the payment therefor. Provided, however, that before any property is acquired for such purpose, or before any work is done, or contracts are let, for the construction, reconstruction, enlargement or repair of any such bridge, there shall be filed in the office of the city clerk of any such city, petitions signed by not less than twenty-five per cent. of the duly qualified electors of such city, as shown by the official registration records in the office of the board of elections of such city, of the last regular registration of the electors of such city, preceding the date of filing such petitions. There shall be filed with said city clerk an affidavit of a reputable citizen of such city, stating that such petitions have been compared with such registration records, and that said petitions contain the signatures of not less than twenty-five per cent. of the registered electors of such city, as shown by said registration records, and the ward and precinct of each presidential [registered] elector signing said petitions shall be indicated adjoining his signature by the number and letter of the ward and precinct respectively, in which his name appears upon said registration records. The number of the registered electors whose signatures appear upon said petitions shall be stated in said affidavit. Said petitions and the signatures thereon shall be open to public inspection for a period of ten days from the time the last one of said petitions are so filed, and the same may be examined at the office of the city clerk by any one interested therein for the purpose of ascertaining whether said petitions contain the requisite signatures. Said petitions shall request the mayor and common council of such city for the passage of the necessary legislation to construct, reconstruct, enlarge or repair a bridge, or bridges, across any such river or rivers, and shall designate at least one of the termini of each of said proposed bridges. If said petitions are found not to contain the requisite signatures, the same shall, upon the request of the person or persons filing the same, be returned to such person or persons. Immediately upon the filing of any such petition or petitions containing not less than twenty-five hundred signatures qualified as herein required, the city clerk shall publish for five consecutive days in not less than three (if so many there are) newspapers published and in general circulation in such municipality, a notice setting forth the filing of said petitions, and the location of the bridge that is petitioned to be constructed, reconstructed, enlarged or repaired, and that other petitions may be filed to construct, reconstruct, enlarge or repair any bridge at any locality, as aforesaid, within a period of sixty days from the last publication of said notice. Immediately upon the expiration of ten days after said sixty days, if the aggregate of signatures to all such petitions equal twenty-five per cent. of the registered voters of such municipality, the city clerk shall at once certify to the probate judge of the county in which such municipality is located,

Petition to be filed with city clerk.

Affidavit as to regularity of petition.

Petition to be open to public inspection.

Nature of said petition.

When petition does not contain sufficient signatures.

Notice of filing petition to be published.

Certification to probate court: bridge commission.

the fact of the filing of said petitions and the character and locality of each of the improvements petitioned for, by not less than twenty-five qualified petitioners. Such probate judge shall, as soon as practicable, appoint three reputable freeholders of such municipality as a bridge commission. The said bridge commission shall within forty-five days after their appointment, definitely locate any unlocated terminus of all proposed bridges so reported to said probate judge, as petitioned for, and shall prepare general plans and specifications therefor and file the same with said city clerk, together with an estimate of the cost of construction, reconstruction, enlargement or repair of each of said bridges, including in such estimate the cost of the necessary real estate, the right of way for the approaches of such bridges and the support thereof, together with an approximate estimate of the damages which may be sustained by adjacent and abutting property on account of the construction, reconstruction, enlargement or repair of said bridges. The city civil engineer shall assist said commission in the performance of its duties. Said city clerk shall immediately upon the receipt of such estimates, plans and specifications, present to the mayor of such municipality a statement in writing, that the same has been filed, together with petitions asking for the construction, reconstruction, enlargement or repair of the bridges at the locations named in such petitions. If the city clerk makes such report to the mayor as aforesaid, within not less than thirty days or more than sixty days preceding the next general or municipal election in any such city, the question as to the issuing of bonds for the construction, reconstruction, enlargement or repair of said bridges, shall be submitted at said election, but if said report is so received by said mayor within less than thirty or more than sixty days prior to such next general or municipal election, then said question shall be submitted at a special election on a date fixed by such mayor within not less than ten days nor more than fifteen days after the receipt of said report from the city clerk, at which election, general, municipal or special, each registered elector of such municipality shall be entitled to vote upon the question of construction, reconstruction, enlargement or repair of bridges, and to vote for only one location therefor. Of such election the mayor shall give ten days' notice by publication in not less than two newsapers published and of general circulation in such municipality. The provisions of sections 2836, 2837 and 2837*a* of the Revised Statutes, except as modified herein, so far as applicable to cities of the third grade of the first class, shall apply to and govern the proceedings for the holding of elections, the issue of bonds, the payment thereof and the construction of the work contemplated in this section. Provided, however, that the ballots for such election shall be so prepared as to read: "For bridge from ——— to ———, and the issue of bonds not to exceed estimated cost, $———Yes." "For bridge

Duty of said commission.

Presentation of plans to mayor.

When question to be submitted to voters.

Notice of election.

Applicability of present election laws.

Forms of ballot.

from ——— to ———, and the issue of bonds not to exceed estimated cost, $———No." For each of the proposed bridges reported by said bridge commission. And there shall be printed in the proper space the termini of each proposed bridge, and the estimated cost and expense thereof reported by said bridge commission. If a majority of the electors voting upon all such propositions taken together, vote in the affirmative, the common council of such city shall at once proceed to enact the proper legislation to acquire the necessary real estate and right of way for the approaches of such bridge and for the support thereof, and to cause such bridge to be constructed, reconstructed, enlarged or repaired, at the location receiving the highest affirmative vote. If from any cause it cannot be clearly determined from a ballot how the person casting the same desires to vote on any question submitted, he shall be considered as not having voted. Said property shall be acquired and the contract for the construction, reconstruction, enlargement or repair of said bridge shall be let in accordance with law. Advertisement for bids for the construction, reconstruction, enlargement or repair of such bridge, together with the necessary approaches, piers, foundations, sub-structures and abutments, shall be published daily for at least two weeks in not less than two newspapers published and of general circulation in such city. For the purpose of paying for said property, real estate, right of way, bridge and sub-structures necessary and proper therefor, and the damages resulting therefrom, said common council shall authorize the issue and shall issue bonds of such city in an amount not in excess of the sum named in the estimate of said bridge commission for such bridge. Said bonds shall be in denominations not exceeding one thousand dollars, payable in not more than forty years from date, with interest at a rate not exceeding three and one-half per cent. per annum, payable semi-annually, and such bonds, or so many thereof as may be necessary, shall be sold according to law and the proceeds thereof shall be used for the purpose of paying the cost of obtaining the necessary property and real estate and the right of way for the approaches of said bridges and the purchase thereof, and for paying for such bridge, sub-structure and appurtenances thereof as may be necessary and proper, and the damage arising therefrom. After the issuing of such bonds has been authorized by the electors of such city in the manner herein provided, the common council shall proceed to construct, reconstruct, repair or enlarge, as the case may be, such bridge, and acquire the necessary property therefor, and the provisions of section 2702 of the Revised Statutes shall not apply to any contract let, court or other proceedings had, or instituted for such purpose. Provided, however, that any such city shall not in any one year issue bonds under this act exceeding an amount equal to one per cent. of the taxable valuation of the property in such city for the year

Proceedings upon affirmative decision.

Irregular votes; how counted.

Advertisement for bids; letting of contracts.

Bonds.

Limit of bond issue in any one year.

in which said bonds are issued, nor shall petitions filed for a location which is submitted to the vote of the people be again filed for a second vote thereon. To pay the necessary expenses of said bridge commission there shall be appropriated from the general fund of such municipality, a sum not to exceed two thousand dollars, which fund may be reimbursed from moneys derived from bonds sold in pursuance of this act. Provided, however, that not more than five hundred dollars thereof shall be expended as a compensation to said bridge commission for personal services, and that all bids [bills] contracted by said bridge commission shall be by them audited and paid only upon the approval of the common council, but not in the aggregate to exceed two thousand dollars.

Expenses of bridge commission.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this act are void as to such inconsistency, and this act shall take effect on its passage.

Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 139G

[House Bill No .793.]

AN ACT

To amend "An act to amend section 1354 of the Revised Statutes of Ohio," passed April 24th, 1893.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to amend section 1354 of the Revised Statutes of Ohio," passed April 24th, 1893 (90 O. L., 239), be amended so as to read as follows:

Fees and costs—(Hamilton county):

Sec. 1354. Nothing herein shall be construed as changing the existing laws of the state relating to the appointment and approval of any deputy, clerk, bookkeeper or other assistant of any officers, except as to limiting the number and compensation of each as provided herein; provided, however, that the board of county commissioners of any county of this state containing a city of the first grade, first class, or a majority of such board, shall have full and final power to contract with some proper person to ascertain and furnish to the clerk of the court of common pleas, and to the clerk of the superior court, if there be any such court in such county, the amounts and items of fees and costs which have been omitted from being taxed and collected, and the amounts and items of fees and costs which have been taxed and which have not been collected within one year from the time of the taxing thereof, in any cause

Laws not changed by this chapter.

Collection of ommitted court fees and costs.

or causes which may have been begun in such courts; and upon report of any such item or items by such person so employed to said clerk, the said clerk shall, immediately upon receipt of such report or reports, enter, tax and collect said costs or fees, and return, account for and pay over the same as other fees or costs, separate accounts of which shall be kept. No payment on account of such services shall be made to such person so employed, except in accordance with the terms of an agreement between said county commissioners and said person, which compensation shall be an amount of such costs, so reported to the clerk, not exceeding twenty-five per centum thereof; such payments to be made by the county treasurer upon order of the county commissioners and the warrant of the county auditor. Any clerk who shall wilfully refuse to tax and collect any fees or costs so reported to him or wilfully refuse to collect any fees or costs taxed but not collected within one year so reported to him, or any clerk or other official or employee of said courts or county who shall wilfully omit to tax or collect any fees or costs for the purpose of wrongfully increasing the number or amounts of such omissions or uncollected fees and costs, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be sentenced to pay and shall be required to pay a fine not exceeding one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or both, at the discretion of the court; and it is hereby made the duty of the prosecuting attorney of the county to enforce the provisions of this section.

Repeals.

SECTION 2. That the act to amend section 1354 of the Revised Statutes of Ohio, passed April 24th, 1893, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 140G

[House Bill No. 166.]

AN ACT

To regulate the employment of minors in the mines of the state of Ohio, and to amend section 302 of the Revised Statutes of Ohio, passed April 21, 1898 (O. L. vol. 93, p. 164.)

Be it enacted by the General Assembly of the State of Ohio:

Inspector of mines:

SECTION 1. That section 302 be so amended as to read as follows:

Sec. 302. No child under fifteen years of age shall be allowed to work in any mine, during the school term of the public schools in the district in which such minor resides, and no child under fourteen years of age shall be employed in any mine during the vacation interim of the public schools in the school district in which such minor resides, and in all cases of minors applying for work the agent of such mine shall see that the provisions of this section are not violated; he shall also keep a record of all minors employed by him, or by any person employed in said mines, giving the name, age, place of birth, parents' name and residence, with character of employment, and he shall demand from such minor proof that he has complied with the requirements of the school laws; and it shall be the duty of the mine inspector to inspect such record and to report to the chief inspector of mines the number of minors employed in or about such mines and to enforce the provisions of this section.,

Employment of minors; record of same; inspection of record.

SECTION 2. That said section 302 of the Revised Statutes of Ohio, passed April 21, 1898 (O. L. 93, page 164), be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 141G

[House Bill No. 885.]

AN ACT

To amend section 664 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 664 of the Revised Statutes be amended so as to read as follows:

Institution for deaf and dumb:

Sec. 664. Compensation to employes shall be paid as follows: To the male teacher of the academic department, not exceeding twelve hundred dollars per annum; the male teachers of the grammar department, and the supervisory teacher of speech, not exceeding ten hundred and fifty dollars each per annum; the female teachers of the grammar department, not exceeding eight hundred dollars each per annum; the male teachers of the primary department, not exceeding nine hundred dollars per annum; the female teachers of the primary department, not exceeding seven hundred dollars each per annum; the master of the shoe-shop, not exceeding seven hundred dollars per annum; the engineer, not exceeding one thousand dollars per annum; none of which employes shall reside at

Compensation to employees of deaf and dumb asylum.

or be boarded in the institution; and the instructress in the art of cutting, fitting and making wearing-apparel for females, not exceeding three hundred and fifty dollars per annum, and in addition thereto such instructress may reside and be boarded at said institution; provided, if such instructress shall not reside and be boarded in said institution, she shall be paid in addition to the salary aforesaid the sum of two hundred dollars per annum.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 142G

[House Bill No. 723.]

AN ACT

To amend section 8 of an act passed by the general assembly of March 27th, 1894 (O. L. 91, page 96), providing for the government of the Ohio hospital for epileptics, amending and supplementing section 1526, Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Ohio hospital for epileptics:

SECTION 1. That section 8 of said act be amended to read as follows:

Epileptics other than insane or dangerous.

Sec. 8. In the case of epileptic persons, other than insane or dangerous epileptics, written application for admission shall first be made by such person, or his or her parent, guardian or representative, to the probate court of the county of which the epileptic is a resident. In case such epileptic has no parent, guardian or representative, any citizen may make application on his behalf to the pro-

Application and hearing.

bate judge for admission to the hospital. When such application is filed, the probate judge shall, on the day fixed by him, which shall not be more than five days after the application has been filed, examine and inquire whether the alleged epileptic is a suitable person for admission into said hospital, and for such person may subpœna witnesses, and shall subpœna a reputable physician and may, if necessary, issue his warrant commanding the alleged epileptic to be brought before him; provided, that if it is deemed unsuitable to bring the alleged epileptic into the probate court, the probate judge shall personally visit said person and certify that he has so ascertained the condition of the person by actual inspection, and the other proceedings may then be had in the absence of such person. At the time appointed, unless for good cause the investigation is postponed, the judge shall proceed with the examination, and if he is satisfied that the person alleged is an epileptic and a suitable person for treatment at the hospital, he shall cause a certificate to

be made out by the medical witness in attendance, setting forth the facts enumerated in section five hereof, and any other facts required in such statement by the board of trustees, and if free from any infectious or contagious disease and from vermin. The probate judge shall transmit the application, with the accompanying papers, including the certificate of the physician, to the manager of the hospital for epileptics, who shall advise the probate judge whether the patient can be received, and if so, at what time. If advised that the patient can be received, the probate judge shall see that the patient is supplied with the proper clothing, and if not otherwise furnished, he shall furnish such clothing, as provided in section seven hundred and six of the Revised Statutes, and shall take the necessary steps for the conveyance of the patient to the hospital, as provided in section seven hundred and five of the Revised Statutes; provided, that if the probate judge is satisfied that the patient can travel to the hospital alone, he may issue the warrant for conveyance direct to the patient and such warrant, receipted, shall be returned by the manager through the mail; or, if the probate judge deems it proper to intrust the conveyance of the patient to his parent, guardian, representative or friend, he may issue the warrant to such parent, guardian, representative or friend, instead of the sheriff. The expenses of the clothing of the patient, if not paid by themselves or those having them in charge, shall be paid by the counties, and, if furnished by the institution, may be collected from the counties, as provided in section six hundred and thirty-two of the Revised Statutes. The traveling and incidental expenses of the patient and also of the officer or other person or persons in charge of said patient, to and from said institution shall be paid by the counties or as provided in section six hundred and thirty-one of the Revised Statutes. The fees of the probate judge, physician and other officers, witnesses and persons, growing out of the admission of a patient to the hospital, shall be paid to the same amount, and in the same manner as are similar fees when earned in connection with the commitment of an insane person to a state asylum. Provided that, if at any time it is desirable to transfer any patient from any state hospital to the Ohio hospital for epileptics, such patient may be transferred upon the order of the governor, upon the recommendation of the medical superintendent of such state hospital and the manager of the Ohio hospital for epileptics.

Clothing.

Traveling and incidental expenses.

Fees.

Transfer from other state hospital.

SECTION 2. Said original section eight be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 143G

[House Bill No. 296.]

AN ACT

To amend section 4747, Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Supervisors and road work:

SECTION 1. That section 4747 be amended to read as follows:

Roads on state or township lines.

Sec. 4747. A supervisor of a road district bordering on the state line between Ohio and adjoining state may, when a public highway has been located upon such state line in accordance with and under the provisions of the laws of the state of Ohio, apply the labor of his district upon said road, in the same manner as on roads located within the boundaries of the state; and in case any public road is or may be established as a part of the line or boundary of any township or municipal corporation, the trustees of such adjoining townships, and council of such corporations, as the case may be, shall meet at some convenient place as soon after the first Monday of March as convenient, and apportion such road between the townships, or township and corporation, as justice and equity may require, and the trustees of the respective townships, and council of the corporation, shall cause the road to be opened and improved accordingly, and shall thereafter cause their respective portions to be worked and kept in proper repair.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 144G

[House Bill No. 459.]

AN ACT

Supplementary to an act entitled "An act to authorize county commissioners, in certain cases, to accept devises and legacies, and to erect and maintain an orphan asylum in connection with a 'children's home,'" passed and took effect February 11, 1869 (O. L., vol. 66).

Be it enacted by the General Assembly of the State of Ohio:

County commissioners:

SECTION 1. That the above act be supplemented as follows:

Bequests to orphan asylum and children's home; application to probate court.

Sec. 935-8. When any person has heretofore, or may hereafter, by a last will and testament, bequeath his or her estate, or a part thereof, to the use and benefit of any such orphan asylum and children's home, or either of them, the trustees of such asylum and home may apply, in writing, to the probate court in the county where letters testa-

mentary are issued in said estate, for that purpose, and thereupon the court shall order the executor or trustee under such will to turn over said estate, or part thereof, so bequeathed, to the trustees of said asylum and home.

Duty of executor thereupon.

Sec. 935-9. Upon such order being made, the executor of said will, or the trustee thereunder, having charge of said estate, or part thereof, whether the same be property or moneys, the income alone [of] which is so bequeathed, shall turn the same over to the trustees of said asylum and home; and said trustees of said asylum and home shall hold and control the same, with full power to sell, convey, transfer, assign and dispose thereof, whether real or personal property, and collect any credits or rights of action, or to otherwise convert the same into cash.

Disposition of property so obtained.

Sec. 935-10. When the trustees of such asylum and home shall receive any money under any such order of the probate court, or from the disposition of any such property, or from the collection of any such credits or rights of action they shall report the same to the auditor of the county in which said home is located, who shall give them a certificate authorizing them to pay the same into the county fund of such county.

Money held for benefit of such home.

Sec. 935-11. When said trustees shall pay said moneys into the treasury, the treasurer shall give them a receipt for the same, showing on what account the same is paid to him. And said moneys shall become a debt of the county in favor of such asylum and home, and shall bear such interest, not exceeding five per cent. per annum, as shall be agreed on between the trustees of said asylum and home and the county commissioners of said county. Provided that this act shall not apply to any bequest, where the income alone of any property or money is bequeathed for a fixed period of time.

SECTION 2. This bill shall be in force upon its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 145G

[House Bill No. 721.]

AN ACT

To make appropriations for the last three-quarters of the fiscal year ending November 16, 1900, and the first quarter of the fiscal year ending February 15, 1901.

Be it enacted by the General Assembly of the State of Ohio:

General appropriations for 1900—1901.

SECTION 1. That the following sums, for the purposes herein specified, are appropriated out of any moneys in the

General appropriations for 1900—1901.

state treasury to the credit of the general revenue fund not otherwise appropriated, towit:

Adjutant General's Department.

Transportation indigent soldiers	$ 150 00
Contingent expenses and inspections	2,375 00

Ohio National Guard.

Pay Ohio national guard	$45,000 00
Transportation Ohio national guard	15,000 00
Subsistence Ohio national guard	15,000 00
Fuel, lumber, straw and medical supplies, Ohio national guard	4,000 00
Incidental expenses military companies	16,000 00
Uniforms, overcoats, blankets and equipments	5,000 00
Horse hire Ohio national guard	3,000 00
Forage for horses Ohio national guard	700 00
Tents and repairs	1,500 00
Care military stores and freight on arms	2,500 00
Rent of armories	36,500 00
Improvement state campground at Newark	1,500 00
Repair of state arsenal	2,500 00

State House and Grounds.

Salary of two firemen	$ 640 00
Salary of six regular laborers	2,850 00
Extra labor	1,500 00
Fuel for state house	2,200 00
Material and repairs	2,000 00
Care and repair heating apparatus	1,000 00
Water rent	667 00
Flags for state house	100 00
Electric light for state house	8,200 00
Salary of two elevator boys	400 00

Agricultural Experiment Station.

Bulletin illustration	$ 200 00
Special work in entomology, botany, chemistry and horticulture	3,500 00
Sub-stations for field experiment	2,200 00
For investigation and prevention of tuberculosis, and other diseases in cattle, throughout the state of Ohio	3,000 00
General repairs, labor and supplies	2,500 00
New construction: Conservatory	4,000 00
New construction: Small barn	350 00
New construction: Manure shed	500 00

Ohio State Horticultural Society.

For use of Ohio state horticultural society	$ 1,000 00

Attorney General.

Fees on collection	$1,200 00
Salary of stenographer and stenographic work	1,200 00
Assistant counsel	8,000 00
Contingent expenses	600 00
Books and furniture	125 00

Auditor of State.

Contingent expenses	$2,250 00
Collecting excise taxes	550 00
Carpets, furniture and repairs	150 00
Clerk hire, decennial appraisement	2,500 00

State Archaeological and Historical Society.

Expenses of society	$1,500 00
Care of Fort Ancient	750 00
Field work and museum	1,000 00
Publications	2,500 00
Repair and care of serpent mound	500 00
For reprinting volumes 1, 2, 3, 4, 5, 6, 7 and 8 of the society's annual publications; each member of the 74th general assembly to be provided with ten copies of each volume, to be delivered under the direction and at the expense of the society	5,600 00

State Board of Agriculture.

Encouragement of agriculture	$12,000 00

State Board of Appraisers and Assessors.

Contingent expenses	$750 00

Board of Arbitration.

For per diem and expenses of members	$2,000 00

Board of State Charities.

Expenses of board	$3,500 00

Board of Health.

Expenses of board	$13,500 00

Board of Pardons.

Expenses of board	$600 00

Board of Public Works.

For keeping in repair and improvement of Miami and Erie canal, all of its earnings and balances, and	$ 7,000 00

General appropriations for 1900—1901.

There is hereby appropriated the sum of twenty-five thousand ($25,000.00) dollars, to be expended in permanent improvement on the Miami and Erie canal between the cities of Dayton and Cincinnati; provided that any work done under this appropriation must be let by contract to the lowest bidder, after the proper advertisements for bids on same.	25,000 00
For the northern division of Ohio canal and Walhonding canal, all its earnings and balances, and.....	25,000 00
For the southern division of Ohio canal, all of its earnings and balances, and.....	30,000 00
For travelling expenses.....	1,350 00
Contingent	375 00

Canal Commission.

Salaries of commissioners.....	$ 2,250 00
Expenses of commissioners.....	4,100 00

Dairy and Food Commissioner.

Expense of commissioner	$ 900 00
Expenses of two assistant commissioners....	1,200 00
Contingent expenses	650. 00
Inspection, analyses, and publication.....	22,000 00
Attorney fees.....	12,500 00

Fish and Game Commission.

Expenses of commission.....	$ 10,500 00
Also all the fees collected under an act amending Secs. 6968-1, 6968-2, 6968-3 and 6968-4 entitled "An act for the further and better protection of fish and game," passed April 26, 1898; provided, however, that fifty (50%) per centum of the fees so collected shall be used for the purpose of propagating fish in the waters of Lake Erie, and fifty (50%) per centum of the fees so collected shall be used for the protection and preservation of fish in the waters of Lake Erie.	
Maintaining pheasantry.....	3,000 00
Maintaining fish ponds.....	1,000 00
Legal expenses	750 00
For building and equipping patrol boat.....	12,000 00

Bureau of Labor Statistics.

Traveling expenses of commissioner.....	$ 350 00
Contingent expenses	6,500 00
For investigating convict-made goods.....	900 00

Commissioner of Common Schools.

Salary of statistical clerk	$ 300 00
Salary of stenographer	120 00
Traveling expenses of commissioner	550 00
Contingent expenses	775 00
Per diem and expenses of state board of examiners	750 00
School book commission	250 00
Boxing and shipping	300 00

Executive Department.

Contingent expenses	$ 1,800 00
For furnishing, decorating and repairing executive offices	1,000 00

Inspector of Mines.

Contingent expenses	$ 4,250 00
Attorney fees	200 00

Inspector of Workshops and Factories.

Traveling expenses of chief inspector	$ 350 00
Traveling expenses of district inspectors	4,125 00
Expenses traveling bakeshop inspectors	750 00
Contingent expenses	900 00
Scientific appliances	100 00
Office rent in Cleveland and Cincinnati	300 00

Judiciary.

Salaries of judges	$ 300,000 00

Law Library.

Contingent expenses	$ 500 00
Salary of law librarian and catalogueing	1,000 00
Books	2,500 00

Prosecution and Transportation of Convicts.

For prosecution and transportation of convicts to Ohio Penitentiary, Reformatory, and Boys' Industrial School	$ 120,000 00

Prosecution Ohio War Claims Against General Government.

Expenses of agent	$ 450 00

And to state agent, to collect war claims against the general government, for commissions as provided for in section 3 of an act passed April 1, 1883 (vol. 80, page 122, and vol. 91, page 329), which provisions shall also apply to collections made on account of expenditures in the recent war with Spain.

General appropriations for 1900—1901.

Secretary of State.

Contingent expenses	$ 1,600 00
Distribution of books	2,250 00
Stationery	7,000 00
Extra clerk hire	500 00

Commissioners of Public Printing.

Printing paper	$25,000 00
For printing "Howe's historical collections of Ohio"	12,000 00

State Library.

Books and papers	$ 1,250 00
Contingent expenses and extra labor	1,300 00
For traveling library	5,000 00
For catalogueing	720 00
Expenses of commission	300 00

Legislature.

For salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms and employes while the general assembly is in session, and the payment of the clerks of the house and senate after adjournment, as provided in sections 39, 43 and 45 of the Revised Statutes	$35,000 00
For chief clerks of the senate and house of representatives twelve hundred ($1,200.00) dollars each for completing the record of the journals of the senate and house of representatives for the present session. The money thus appropriated to be paid at the rate of five dollars per day, as the work of completing said record progresses; but the full amount shall not be paid until the work is fully completed; and the auditor of state is hereby authorized to draw his warrant from time to time on the treasurer of state in favor of said clerks, upon the presentation by them of proper vouchers, duly certified by said clerks, to be credited for said sum as may be therein designated until the aforesaid sum of twelve hundred dollars to each, shall be fully paid, two thousand four hundred dollars	$ 2,400 00
Expense of legislative committees	2,000 00
Contingent expenses of senate	500 00
Contingent expenses of house	500 00
Contingent expense of senate clerk	150 00
Contingent expense of house clerk	150 00

For Frederick Blankner, third assistant sergeant-at-arms of the house, for taking charge of senate chamber and hall of the house, and committee rooms after the adjournment of the general assembly in the spring of 1900, and taking care of same until January, 1901, and for taking care of the bill-books and other property of the members, as requested by them, one thousand ($1,000.00) dollars, to be paid at the rate of four dollars per day, on the warrant of the auditor of state.....	$ 1,000	00
For an assistant for said Frederick Blankner in the performance of the foregoing duties at the rate of two dollars per day, when by him necessarily employed, four hundred ($400.00) dollars, to be paid to said assistant on the warrant of the auditor of state	400	00
For contingent expenses for care both houses	500	00

Superintendent of Insurance.

Contingent expenses.....	$ 1,400	00

Bureau of Building and Loan Associations.

Salary of statistician.....	$ 1,350	00
Salaries of extra clerks.....	200	00
Contingent expenses	1,025	00

Supervisor of Public Printing.

State printing .....$	35,000	00
State binding	35,000	00
Contingent expenses	50	00

Supreme Court.

Salaries of two deputy marshals.....$	1,100	00
Salary of stenographer and stenographic work	600	00
Contingent expenses	700	00
Salaries of two porters.....	600	00

Clerk of Supreme Court.

Contingent expenses .....$	575	00
Salary of stenographer.....	200	00

Reporter of Supreme Court.

Contingent expenses .....$	800	00

Treasurer of State.

Stenographic work .....$	120	00
Collecting auditor of state's drafts.....	2,200	00

General appropriations for 1900—1901.

Carpets, furniture and repairs		400 00
Contingent expenses		1,200 00
For construction of vault		5,000 00

Ohio Penitentiary.

Current expenses	$	162,000 00
Salaries of officers		19,320 00
Salaries of guards		70,000 00
Manufacture of gas, electricity, and improvement of lights		10,000 00
Rewards to discharged convicts		19,000 00
Ordinary repairs and improvements		40,500 00
Religious services and library		500 00

Ohio State Reformatory.

Current expenses	$	55,000 00
Salaries of officers		18,000 00
Salaries of guards		18,000 00
Ordinary repairs and improvements		1,000 00
Furniture and carpets		200 00
Rewards outgoing prisoners		5,000 00
Religious services, and library		200 00
For enclosing left wing, including windows, doors, gratings and plumbing		17,000 00
To complete construction of wall		22,500 00
For construction; balances are hereby re-appropriated.		

Athens State Hospital.

Current expenses	$	112,000 00
Salaries of officers and trustees' expenses		4,000 00
Ordinary repairs and improvements		12,000 00
Paving and grading roads		1,000 00
Furniture and carpets		2,000 00
Books and pictures		200 00
Increasing electric light plant		4,500 00
Amusement hall		15,000 00
There is also hereby re-appropriated an amount not exceeding eleven thousand ($11,000.00) dollars of the unexpended balance of current expenses, for the building and equipping of a cottage for infirm patients.		
For paving roadway between Athens state hospital, Ohio university, and bridge in Athens; all of roadway where state owns lands on both sides, and one-half, only, where state only owns one side		3,000 00
For purchase of land		7,000 00

Cleveland State Hospital.

Current expenses	$	127,000 00
Salaries of officers and trustees' expenses		4,800 00
Ordinary repairs and improvements		10,500 00

Books, pictures and surgical instruments....	400 00	General appropriations for 1900—1901.
Closets and bath rooms.....	2,500 00	
Infirmary building, including heating and furnishing	13,000 00	
Carpets and furniture.....	2,500 00	

Columbus State Hospital.

Current expenses .....$	161,125 00	
Salaries of officers and trustees' expenses....	5,600 00	
Ordinary repairs and improvements.....	16,000 00	
Elevator	1,500 00	

Dayton State Hospital.

Current expenses .....$	94,000 00	
Salaries of officers and trustees' expenses....	4,000 00	
Ordinary repairs and improvements.....	9,500 00	
One new boiler, installed.....	1,000 00	
Beds and bedding	1,800 00	
Furniture, carpets and pictures.....	1,800 00	
Addition to dairy barn.....	500 00	
Surgical instruments	200 00	
Unexpended balances in appropriations for water works and purchase of land are hereby re-appropriated.		

Longview State Hospital.

Current expenses, including salaries of officers and director's expenses, and ordinary repairs, and furniture and carpets.....$	130,000 00	

Massillon State Hospital.

Current expenses .....$	90,000 00	
Salaries of officers and trustees' expenses.....	4,700 00	
Ordinary repairs and improvements.....	4,000 00	
Construction	50,000 00	
Furniture for cottages, including window guards	5,000 00	
Electrical machinery and fixtures, and connections	7,000 00	
Tunnel, grading and cement walks.....	8,700 00	
Two boilers, hot water heating, pipe and pipe covering	10,000 00	
Books and surgical instruments.....	300 00	
For purchase of land.....	10,000 00	

Toledo State Hospital.

Current expenses .....$	150,000 00	
Salaries of officers and trustees' expenses....	6,000 00	
Ordinary repairs and improvements.....	14,250 00	
Carpets and furniture.....	4,000 00	
Enlarging and remodeling cottages.....	15,000 00	

General appropriations for 1900—1901.

Electric rewiring		1,500 00
Employes' quarters and general dining room.		12,000 00
Fire department		4,000 00
For purchase of land		7,530 00

Boys' Industrial School.

Current expenses	$	58,000 00
Salaries of officers and teachers and trustees' expenses		27,000 00
Ordinary repairs, improvements and rebuilding cottage		5,600 00
Rewards		600 00
Religious services, lectures and amusements		850 00
Printing office, including cylinder press, folder and cutter, and shoe shop machinery		900 00
Steam plant and fixtures, sanitary plumbing and electric lights		9,500 00
Congregate dining room and kitchen, including changing old administration building into a general school building, and fitting up same		9,000 00
Furniture and carpets		400 00

Girls' Industrial Home.

Current expenses	$	18,000 00
Salaries of officers and teachers and trustees', and lady board of visitors' expenses		14,870 00
Ordinary repairs and improvements, including construction of roads		10,000 00
Religious services and amusements		550 00

Institution for the Blind.

Current expenses	$	47,000 00
Salaries of officers and teachers and trustees' expenses		11,200 00
Ordinary repairs and improvements		7,000 00
Oculist and oculist supplies		1,000 00
Carpets and furniture		1,800 00
Pianos and school apparatus		1,500 00
Changing reception, superintendent's, steward's and trustees' rooms		3,000 00
Painting building outside, including ridgeways and gutters		1,500 00

Institution for the Education of the Deaf and Dumb.

Current expenses	$	57,000 00
Salaries of officers and teachers and trustees' expenses		25,000 00
Ordinary repairs and improvements		8,000 00
Foremen, supplies and industrial pursuits		5,400 00
Lumber and nails for boxes		1,000 00

Electric light plant	5,500 00	General appropriations for 1900—1901.
Furniture and carpets for school building	2,000 00	
Storage cistern for rain water	3,000 00	

Institution for Feeble-Minded Youth.

Current expenses	$ 120,000 00
Salaries of officers and teachers, and trustees' expenses	15,500 00
Ordinary repairs and improvements	12,000 00
Four custodial buildings, to accommodate 100 inmates each	120,000 00
Furniture and carpets	1,000 00
For barns, plant houses, water supply for buildings and garden irrigation, central boiler and power plant, fencing roads and walks	25,000 00
Building for hospital	15,000 00

Ohio Soldiers' and Sailors' Home.

Current expenses and clothing, balances, amount received from the general government, and	$ 50,000 00
Salaries of officers and trustees' expenses	6,000 00
Ordinary repairs and improvements	6,000 00
New range for kitchen	1,000 00
One new cottage, and furnishing	12,500 00
Addition to ice house, coal bin, and platform scales	1,450 00
Grading roadways and grounds	3,000 00
For piano	300 00

Ohio Soldiers' and Sailors' Orphans' Home.

Current expenses	$ 100,000 00
Salaries of officers, matrons, teachers, trustees' and lady board of visitors' expenses	20,000 00
Ordinary repairs and improvements, including tunnel $3,000.00, and bakery, new range and kitchen furniture $1,800.00	16,000 00
Industrial pursuits	6,000 00
Salaries of foremen and instructors	8,500 00
Net earnings	1,700 00
Religious services, amusements, library and pictures	1,500 00
Support of orphans outside	5,000 00
For extension of electric light plant, including wiring, laboratory, motors and other necessary machinery, so as to abandon gas-making plant by next winter	6,000 00

Ohio Hospital for Epileptics.

Current expenses	$ 100,000 00
Salaries of officers and teachers, and trustees' expenses	8,600 00

General appropriations for 1900—1901.

Ordinary repairs and improvements.....	8,400 00
Carpets and furniture.....	2,000 00
Hospital building	25,000 00
Two boilers, heater, pipes, fittings, covering and machinery, including lathe, pipe cutter and drill press.....	6,250 00
Sloyd system for manual training.....	300 00
For purchase of land.....	6,500 00
For pathological exhibit at Atlantic City.....	200 00
For heating and furnishing industrial building for females.	
Miscellaneous.	
Pension for Mrs. J. P. Brush.....$	96 00
There is hereby appropriated the sum of two thousand five hundred ($2,500.00) dollars, the same to be expended as provided in an act passed April 12, 1889, entitled: "An act to provide for the extension of the geological survey of the state".....	2,500 00
Decennial State Board of Equalization.	
For salaries and mileage of members.....$	12,000 00
Contingent expenses	1,000 00
For furniture, carpets and equipping office rooms in state buildings, ready for occupancy	25,000 00
To be expended under the direction of a commission consisting of the governor, auditor of state, treasurer of state and clerk of the building commission, in accordance with the provisions of chapter 1, title 6, of the Revised Statutes of Ohio, relating to public buildings, so far as applicable, and the said members shall serve without compensation.	
For expenses electoral college.....	900 00
For heating, plumbing and ventilating state house	15,000 00
The state officers mentioned in section 783 of the Revised Statutes are hereby authorized and empowered to cause to be prepared plans for the heating, ventilation and plumbing of the old state house building, upon the latest improved modern system, and, for that purpose, may employ an achitect and fix his compensation.	
Upon the adoption of such plan by such state officers, they shall proceed to let the contract for the performance of the work, including the material therefor, of such heating, ventilation and plumbing, in accordance with such plan, and in the	

performance of such duty and such letting, they shall be governed, in so far as the same may be applicable, by the provisions of chapter 1, title 6, of part first of the Revised Statutes. And the architect so appointed by such officers shall superintend the performance of all contracts that may be let under the provisions of this act.

For the Ohio centennial and northwest territory exposition 250,000 00

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1900, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; no bills for carpets or furniture, or any expense for officers attending state, inter-state or national associations of benevolent institutions, shall be paid out of the appropriations made for current expenses of said institutions; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished or expenses incurred, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state, shall be allowed from any amount hereby appropriated; and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 146G

[House Bill No. 221.]

AN ACT

To amend sections 4403*c* and 4403*f* of an act entitled "An act to regulate the practice of medicine in the state of Ohio," passed February 27th, 1896.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4403*c*, enacted by section 2, of an act entitled "An act to regulate the practice of medi-

cine in the state of Ohio," passed February 27, 1896, be amended so as to read as follows:

Requirements for practice of medicine, surgery or midwifery.

To whom the provisions of this act does not apply.

Sec. 4403*c*. No person shall practice medicine, surgery or midwifery in any of its branches in the state of Ohio, without first complying with the requirements of this act. All persons authorized and entitled prior to July 1, 1900, to practice medicine, surgery, or midwifery in the state of Ohio, under and by virtue of the provisions of an act, entitled, "An act to regulate the practice of medicine in the state of Ohio," passed February 27, 1896, to which this act is amendatory, may engage in such practice, and shall be subject to the law regulating the same; all other persons desiring to engage in such practice in this state, shall apply to the state board of medical registration and examination for a certificate, and submit to the examination hereinafter provided, except that all medical students who were on January 1, 1900, matriculated in any medical college in the state of Ohio recognized by the state board of medical registration and examination of Ohio, and who shall have graduated subsequent to January 1, 1900, and who shall file their diplomas for registration prior to July 1, 1904, shall receive certificates under the provisions of the act of February 27, 1896, to which this act is amendatory.

Applicant to file application with state board of medical registration and examination.

The applicant shall file with the secretary of the board a written application on a form prescribed by the board, verified by oath, and furnish satisfactory proof that he is more than twenty-one years of age, and is of good moral character.

Conditions of admission to examination.

In the application, as a condition of admission to the examination, he shall produce either of the following credentials: a diploma from a reputable college granting the degree A. B., B. S., or equivalent degree; a diploma from a normal school, high school or seminary, legally constituted, issued after four years of study; a teacher's permanent or life certificate; a medical student's certificate issued upon examination by any state board; a student's certificate of examination for admission to the freshman class of a reputable literary or scientific college; or a certificate of his having passed an examination conducted under the direction of the state board of medical registration and examination by certified examiners, none of whom shall be either directly or indirectly connected with a medical college; said examination to be held simultaneously in Cincinnati, Cleveland, Columbus and Toledo, and the questions submitted to be uniform at such places; and has either received a diploma from some legally chartered medical institution in the United States in good standing at the time of issuing such diploma, as defined by the board; or a diploma or license approved by the board, which has conferred the full right to practice all branches of medicine or surgery in some foreign country. With the application, the applicant shall present his diploma or license, as above defined, and accompanying the same, shall file his affidavit duly attested, stating that he is the person named in the diploma or license, and is the lawful possessor of the same, and giving his age, residence, the

college or colleges at which he obtained his medical education, the time spent in each college, the time spent in the study of medicine, and such other facts as the board may require; if engaged in the practice of medicine, the applicant shall state the period during which, and the places at which he has been engaged in the practice of medicine or surgery. If the board shall find that the applicant has obtained any one of the credentials heretofore defined, as a condition of his admission to the examination, and shall find his diploma to be genuine, and from a legally chartered medical institution in the United States in good standing as determined by the board, or shall find the license to be genuine, and such as to confer upon the applicant the full right to practice all branches of medicine or surgery in the foreign country in which he obtained it, and of a standard approved by the board; and shall find the person named in the diploma or license is the person holding and presenting the same, and is of good moral character, the board shall admit such applicant to an examination. All examinations shall be conducted under the rules formulated by the board. Each applicant shall be examined in anatomy, physiology, pathology, chemistry, materia medica, and therapeutics, the principles and practice of medicine, surgery, obstetrics, and such other subjects as the board may require. The applicant shall be examined in the materia medica and therapeutics and the principles and practice of medicine, of the school of medicine in which he desires to practice, by the member or members of the board representing such school. If an applicant passes an examination satisfactory to the board, and has paid the fee as hereinafter provided, it shall issue its certificate to that effect, signed by its president and secretary, and attested by its seal, which, when left with the probate judge for record, as hereinafter required, shall be conclusive evidence that its owner is entitled to practice medicine or surgery in this state. The board may refuse to grant a certificate to any person guilty of fraud in passing the examination, or guilty at any time of felony or gross immorality, or addicted to the liquor or drug habit to such a degree as to render him unfit to practice medicine or surgery; and may, after notice and hearing, revoke a certificate for like cause or causes. An appeal may be taken from the action of the board, refusing to grant or revoking a certificate, for such causes, to the governor and attorney general, and the decision of these officers, either affirming or overruling the action of the state board, shall be final. An affirmative vote of not less than five members shall be required to authorize the issuance of a certificate. The fee for an examination shall be twenty-five dollars, which shall not be returned in case of a failure to pass such examination, but the applicant may, within a year after such failure, present himself and be examined again without the payment of an additional fee. All fees shall be paid in advance to the treasurer of the board, and by him covered

Examination; how conducted; on what subjects.

Successful applicant to receive certificate.

When board may refuse to grant certificate.

Appeal.

Vote for issuance of certificate; fees.

into the state treasury, to the credit of a fund which is hereby appropriated for the use of the state board of medical registration and examination. The compensation and expenses of members and officers of the board, and all expenses proper and necessary in the opinion of the board, to discharge its duties and enforce the law, shall be paid out of said fund, upon warrant of the auditor of state, issued upon requisition signed by the president and secretary of the board. Provided, that nothing contained in this section shall be construed to compel any person holding or obtaining, prior to July 1, 1900, a certificate from the board, under the act to which this act is amendatory, entitling such person to practice medicine or surgery in this state, or any medical student who was matriculated on January 1, 1900, in any medical college in the state of Ohio, recognized by the state board of medical registration and examination of Ohio, and who shall have graduated subsequent to January 1, 1900, and who shall have filed his or her diploma for registration prior to July 1, 1904, or to file an application and submit to the examination herein required. Provided, further, that the board may, in its discretion, dispense with an examination, in the case of a physician or surgeon duly authorized to practice medicine or surgery in any other state, territory or the District of Columbia, who may desire to change his residence to Ohio, and who makes application on a form to be prescribed by the board, accompanied by a fee of fifty dollars and presents a certificate or license issued after an examination by the medical board of such state, territory, or the District of Columbia, accorded only to applicants from states, territories and districts whose laws demand qualifications of equal grade with those required in Ohio; but such examination shall not be dispensed with unless under the law and regulations of the state, territory or the District of Columbia, equal rights and privileges are accorded to physicians and surgeons of Ohio, holding the certificate of the board, who may desire to remove to, and practice in such state, territory or the District of Columbia.

Compensation and expenses.

When board may dispense with examination.

SECTION 2. That section 4403*f*, enacted by section 2, of an act entitled, "An act to regulate the practice of medicine in the state of Ohio," passed February 27, 1896, be amended so as to read as follows:

Sec. 4403*f*. Any person shall be regarded as practicing medicine or surgery or midwifery within the meaning of this act, who shall use the words or letters "Dr.," "Doctor," "Professor," "M. D.," "M. B.," or any other title, in connection with his name, which in any way represents him as engaged in the practice of medicine or surgery or midwifery, in any of its branches, or, who shall prescribe, or who shall recommend for a fee for like use any drug or medicine, appliance, application, operation or treatment, of whatever nature, for the cure or relief of any wound, fracture or bodily injury, infirmity or disease. The use of any

Who regarded as practicing medicine or surgery.

of the above mentioned words or letters, or titles in such connection, and under such circumstances as to induce the belief that the person who uses them is engaged in the practice of medicine or surgery or midwifery in any of its branches, shall be deemed and accepted as prima facie proof of an intent on the part of such person to represent himself as engaged in the practice of medicine or surgery or midwifery, provided, however, that nothing in this act shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies; and this act shall not apply to any commissioned medical officer of the United States army, navy, or marine hospital service in the discharge of his professional duties, nor to any legally qualified dentist when engaged exclusively in the practice of dentistry, nor to any physician or surgeon from another state or territory who is a legal practitioner of medicine or surgery in the state, or territory in which he resides, when in actual consultation with a legal practitioner of this state, nor to any physician or surgeon residing on the border of a neighboring state, and duly authorized under the laws thereof, to practice medicine or surgery therein, whose practice extends into the limits of this state; providing, that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this state. Nor to any osteopath who holds a diploma from a legally chartered and regularly conducted school of osteopathy in good standing as such, wherein the course of instruction requires at least four terms of (5) five months each in four separate years. Provided, that the said osteopath shall pass an examination satisfactory to the state board of medical registration and examination in the following subjects: Anatomy, physiology, chemistry, physical diagnosis. Providing, that said osteopath shall not be granted the privilege of administering drugs nor of performing major or operative surgery.

Emergencies or family remedies.

To whom act inapplicable.

Osteopathy.

SECTION 3. Section 4403*c*, and section 4403*f*, are hereby repealed, such repeal to take effect July 1, 1900, and this act shall take effect and be in force from and after July 1, 1900.

When repeals and act take effect.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 147G

[House Bill No. 922.]

AN ACT

To amend section 2926b of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That section 2926*b* of the Revised Statutes of Ohio be so amended as to read as follows:

Board of elections; how constituted.

Sec. 2926*b*. In all cities of the first and second class, a board of elections to consist of four electors of such city of well known intelligence and integrity, two of whom shall belong to each of the two leading political parties, shall be appointed by the mayor. Successors to the two members of existing boards of election whose terms shall first expire shall be appointed on the first Tuesday after the second Monday in April after the expiration of the term for which they were appointed, to serve for a term of four years from the date of their appointment, and thereafter, biennially, on the first Tuesday after the second Monday in April, two members of different leading political parties shall be appointed to serve for four years from the date of their appointment. No person shall be appointed or be a member of such board, who holds an office under the United States, the State of Ohio, except notaries public, or of such cities, or the county in which such city is situated, or who is employed in any department of such city or

Void votes.

county, or by any officer of such city or county; and all votes cast at any election for any person who is, or, within three months next preceding such election, has been a

Removals.

member of such board, shall be absolutely void. For misconduct or neglect of duty, such mayor may remove any member of such board for sufficient cause upon charges having been preferred in writing, and after a public hearing

Vacancies.

thereon. And any vacancy which may occur in such board by the death, resignation, removal or disability of any of its members, shall be filled by appointment by such mayor, for the unexpired term of such vacancy or vacancies, and so that each of the two leading political parties shall always have an equality of representation in the said board, or as near as may be. Provided, that the members and secretary of the boards existing at the time of the passage of this act shall continue in office until the expiration of the term for which they were appointed and until their successors are appointed and qualified, as provided in this act,

Secretary; his duties, etc.

unless removed for cause as provided by law. A secretary of such board shall be appointed by the members thereof, at the expiration of the term of the secretary now in office, who shall be an elector of such city fully qualified for such place, and who shall serve the same for a term of four years; but he may, for official misconduct, be removed by the board; the board shall appoint his successor for the same term of years, and in case of death, resignation or removal of the secretary shall fill the vacancy for the unexpired part of such term. The secretary shall, subject to

the control of the board of elections, keep a full and true record of their proceedings, file and preserve in their office all orders, rules and regulations in any wise pertaining to the administration of registration and elections; prepare and furnish, under the orders of such board, all the registers, lists, books, maps, forms, oaths, certificates, instructions and blanks, for the use and guidance of registrars, judges and clerks of elections, and the board of canvassers; provide for timely furnishing of such officers therewith, and with all the necessary supplies provided for them; to receive and keep close custody of all the registers and copies returned to such office as provided herein, and of all records, papers and certificates of every kind relating to the office, or administration of such board of elections; he shall also have the care of the ballot boxes while deposited at the office of such board of elections; and he shall perform all such other or further duties, pertaining to such office and affairs as shall be prescribed by such board. The board of elections shall have a sufficient and suitable office and rooms for the purpose herein required, which shall be in charge of their secretary and shall be kept open daily, except Sundays and legal holidays, in cities of the first and second grades in the first class, and at such time as the board of elections may require in cities of the third and fourth grades in the first class, and first, second, third and fourth grades, in the second class. Each member of the board of elections and the secretary, shall before entering upon the discharge of their office, take and subscribe an oath to support the constitution and laws of the United States, and the state of Ohio, and faithfully discharge the duties of their office, and to make their utmost endeavors to secure fair and honest elections, which oath shall immediately be filed in the office of the city clerk of such city and be preserved by him.

Office of board.

SECTION 2. That the original section 2926*b* of the Revised Statutes of Ohio, be and the same is hereby repealed, and that all acts or parts of acts; and all sections or parts of sections of the Revised Statutes in conflict with the provisions of this act, are, to the extent of such conflict, hereby repealed; and this act shall take effect and be in force from and after its passage.

Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 148G

[House Bill No. 870.]

AN ACT

To amend sections 3999*a* and 3999*c*, and to supplement section 3999 of the Revised Statutes of Ohio, as amended April 21, 1898 (93 O. L., 192), with sectional numbering indicated.

Be it enacted by the General Assembly of the State of Ohio:

School-houses and libraries:

SECTION 1. That sections 3999*a* and 3999*c* of the Revised Statutes of Ohio be amended so as to read as follows:

Residents of Hamilton county entitled to use of city library.

Sec. 3999*a*. Each and every resident of the county within which is situated any city of the first grade of the first class, having therein established a public library, shall be entitled to the free use of such library, reading rooms and any branch or department of the same, and all the privileges thereof, upon such terms and conditions not inconsistent herewith, as the board of trustees of such library may prescribe.

Tax for library purposes in Cincinnati.

Sec. 3999*c*. For the purpose of increasing, maintaining and managing the public library in cities of the first grade of the first class, for which a board of trustees shall have been appointed, as provided in section 3999, the said board of trustees may levy annually a tax of not exceeding five-tenths of a mill on each dollar valuation of the taxable property of the county wherein is situated such city, to be assessed, collected and paid in the same manner as are other taxes levied throughout the county. Said levy shall be certified by said board of trustees to the auditor of the county in which said city is situated, and shall be placed by said auditor on the tax duplicate and collected as other taxes. The money realized from said levy, and all moneys received or collected by said trustees for the library, shall be placed in the treasury of said county, subject to the order of said board of trustees of said library. Said fund shall be known as the library fund of said county, of which the county treasurer shall be the custodian, and no money shall be drawn therefrom, except upon the requisition of the board of trustees of said library, certified by the president and secretary of said board, directed to the county auditor, who shall draw his warrant upon the county treasurer therefor. Any part of said funds unexpended during any year shall remain to the credit of said library fund.

SECTION 2. That section 3999 of the Revised Statutes of Ohio, as amended April 21, 1898 (93 O. L., 192), be supplemented with sectional numbering as follows:

Who ineligible as members of library board.

Sec. 3999*e*. No member of any of the boards exercising the power of appointment of the trustees of the public library, as provided in section 3999, shall be appointed or elected a member of said library board.

Repeals.

SECTION 3. That original section 3999*a* and 3999*c* as passed April 21, 1898 (93 O. L., 192), be and the same are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 149G

[House Bill No. 427.]

AN ACT

To amend section 2739 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section number two thousand and seven hundred and thirty-nine of the Revised Statutes be amended so as to read as follows:

Listing personal property:

Sec. 2739. In listing personal property it shall be valued at the usual selling price thereof, at the time of listing, and at the place where the same may then be; and if there be no usual selling price known to the person whose duty it is to fix a value thereon, then at such price as it is believed could be obtained therefor, in money, at such time and place; investments in bonds, stocks, joint stock companies, or otherwise, shall be valued at the true value thereof, in money; money, whether in possession or on deposit, shall be entered in the statement at the full value thereof, except that depreciated circulating notes shall be entered at their current value; every credit for a sum certain, payable either in money, property of any kind, labor or service, shall be valued at its true value in money, except that if it be for a specific article, or for a specified number or quantity of any article or articles of property, or for a certain amount of labor or services of any kind, it shall be valued at the current price of such property or of such labor or service, at the place where payable; and annuities, or moneys receivable at stated periods, shall be valued at the sum which the person listing the same believes them to be worth in money at the time of listing.

Rules for valuing personal property.

SECTION 2. That said original section be, and the same hereby is, repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 150G

[House Bill No. 255.]

AN ACT

To amend (5162-4) section four, Revised Statutes of Ohio, to provide for the appointment of jury commissioners and the selection of jurors in certain counties, passed April 23, 1894 (91 v. 176).

Be it enacted by the General Assembly of the State of Ohio:

Summoning jury.

SECTION 1. That Sec. (5162-4) section four, of the Revised Statutes of Ohio be so amended as to read as follows:

Compensation of commissioners.

Sec. (5162-4) section four. That said commissioners shall each receive for their services herein named three dollars ($3.00) for each day employed, to be approved and paid on the order of the county auditor, provided that they shall not be paid for more than three days' time in any one year, except in counties having at the last federal census a population of eighty-four thousand one hundred and seventy; and in such counties they shall not be paid for more than six days' time in any one year.

Stark county.

Repeals.

SECTION 2. That original section (5162-4) section four, of said act be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 151G

[House Bill No. 821.]

AN ACT

To amend section 1075 of the Revised Statutes of Ohio, providing for fees to county auditors under improved road law, as enacted June 3, 1879, vol. 76, page 117 of the Ohio laws (as appears in Bates' annotated Ohio statutes, second edition).

Be it enacted by the General Assembly of the State of Ohio:

County auditor:

SECTION 1. That section 1075 of the Revised Statutes of Ohio, providing for fees to county auditors under improved road law, as enacted on June 3, 1879, volume 76, page 117, of the Ohio Laws (as appears in Bates' Annotated Ohio Statutes, second edition), be amended so as to read as follows:

Fees under improved road law.

Sec. 1075. The auditors of the several counties shall receive the following fees, to be paid out of the county treasury, for their services under the improved road laws: For recording papers, receivings, appointments and all other recording required in making up a complete record

of important roads, for one hundred words (where figures are used three figures to be counted as one word), eight cents; and for making out special tax duplicate, for the purpose of collecting the taxes from the owners on each and every description of lots, lands and personal property sought to be assessed for such improvement, eight cents; and in Hamilton county in addition thereto, for placing on the duplicate special assessments and sewerage taxes, as certified by the city auditor or the clerk of any municipality within the county, for each description of property sought to be assessed, eight cents; the amount of such charge shall be deducted by the county treasurer from said assessment, when collected, and paid into the fee fund of said county as an earning of the auditor's office.

Hamilton county.

SECTION 2. Section 1075 of the Revised Statutes, as amended June 3, 1879, volume 76, page 117, Ohio laws (as now appears in Bates' Annotated Ohio Statutes, second edition) is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 152G

[House Bill No. 263.]

AN ACT

To amend section 2689*a* of the Revised Statutes of Ohio, as amended April 24, 1896, and April 21, 1898.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2689*a* of the Revised Statutes of Ohio, as amended April 24, 1896, and April 21, 1898, be amended so as to read as follows, viz.:

Finance and taxation:

Sec. 2689*a*. The aggregate of all taxes levied or ordered by any other municipal corporation than cities of the first grade of the first class, including the levy for general purposes above the tax for the county and state purposes, and excluding the tax for school and school-house purposes, and in villages of the first class any tax levied for the creation of a library fund as provided in an act passed March 15, 1892, entitled "An act to provide for the creation of library boards for certain cities and villages, and prescribing the duties of such boards," shall not exceed in any one year, in cities of the second grade of the first class, nine and three-tenth mills; and for paving streets, seven-tenths of one mill; and for park purposes five-tenths of one mill; and for sewer purposes five mills; and for garbage disposal purposes, five-tenths of one mill; and

Maximum of municipal taxes allowable in municipalities other than Cincinnati.

such further rates as may be necessary to pay the interest on the public debt, and to create a sinking fund as provided in section two thousand seven hundred and twelve; in cities of the third grade of the first class, sixteen mills; provided, however, that out of the proceeds of such levy the interest on the indebtedness of such corporation shall first be paid; and annually not less than two (2) mills of the remainder shall be levied for sinking fund purposes; in cities of the first and second grades of the second class, eight mills, and in addition thereto, such further rate not exceeding five-eights of one mill, as may be necessary to create a sinking fund for the payment of the principal and interest of the bonds of such cities that may hereafter be issued for the purpose of building and maintaining main trunk sewers in said cities; in cities of the third grade of the second class ten, and in cities of the third grade *a* of the second class ten mills; provided that in cities of the third grade of the second class, which by the federal census of 1880 had a population exceeding (15,800) fifteen thousand eight hundred, such cities, for the purpose of constructing wharves and landings and keeping the same in repair, are authorized to levy such further sum, not exceeding eighteen mills, in all, as may be necessary to provide a fund for the construction and keeping in repair such wharves and landing; in cities of the fourth grade of the second class, nine mills; in villages of the first class eight mills, and in all other villages ten mills on each dollar of the value of any property as valued for taxation on the county tax list; provided, however, that in all cities of the fourth grade of the second class, such further rate may be levied in addition to the foregoing limitation as will enable the cities to comply with any contract entered into by such cities or any of them, under the provisions of section two thousand four hundred and thirty-four, as amended January 29, 1885 (O. L., vol. 82, page 11); and also provided that the councils of the municipalities mentioned in this section shall annually at the time the rate of levy is fixed, provide by ordinance for the distribution of the tax among the several departments of the corporation in such proportion to their needs, as the council may deem necessary; and at no time thereafter shall the amounts specified as necessary for the purposes named, be changed and all transfers of funds from one account to another are hereby expressly prohibited, provided, however, that nothing in this section shall be construed or considered as prohibiting the council of any incorporated village from transferring by resolution or ordinance, any surplus or part of surplus now or hereafter existing in the police fund of such village, arising from the special tax known as the Dow law tax, to any other fund or funds of the same, for the uses for which such other fund or funds are established.

Repeals.

SECTION 2. That said section 2689*a* of the Revised Statutes of Ohio, as amended April 24, 1896, and April 21, 1898, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 153G

[House Bill No. 416.]

AN ACT

To amend section 3466 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3466 of the Revised Statutes of Ohio be amended so as to read as follows:

Magnetic telegraph companies:

Sec. 3466. Any person connected with a telegraph or messenger company, incorporated or unincorporated, operating a line of telegraph, or engaged in the business of receiving and delivering messages in this state, in any capacity, who wilfully divulges the contents, or the nature of the contents of a private communication entrusted to him for transmission or delivery, or who wilfully refuses or neglects to transmit or deliver the same, or wilfully delays the transmission or delivery of the same, or who wilfully forges the name of the intended receiver to any receipt for any such message or communication, or article of value entrusted to him by said company with a view to injure, deceive or defraud the sender or intended receiver thereof, or any such telegraph or messenger company, or to benefit himself or any other person, shall be imprisoned in the county jail not exceeding three months, or fined not exceeding five hundred dollars, at the discretion of the court.

Penalties against persons connected with companies.

SECTION 2. Said original section 3466 of the Revised Statutes of Ohio is hereby repealed.

Repeals.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 154G

[House Bill No. 348.]

AN ACT

For the relief of John H. Karshner, corporal company M, fourth regiment, Ohio national guard.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of the state be and he is hereby authorized and required to issue his warrant on

Warrant in favor of John H. Karshner.

the state treasury, to pay John H. Karshner, corporal in company M, fourth regiment, Ohio national guard, the sum of five hundred ($500) [dollars] out of any money in the treasury to the credit of the general revenue fund, not otherwise appropriated, which sum shall be in full liquidation and payment to said John H. Karshner for personal injuries received from the giving way and breaking down of the bunks in the armory at Columbus, Ohio, on or about January 5, 1899, while there encamped, in the line of his duty and under orders, and three hundred ($300) dollars in amount paid out for doctors' bill and nursing the wounds received, to wit, the crushing of his back and injury to his bowels, permanently crippling him for life, said amount to be in full of all claims and demands against the state for and on account of the loss aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 155G

[House Bill No. 946.]

AN ACT

To revise and improve the statutes of Ohio relating to the protection and propagation of birds, fish and game.

Be it enacted by the General Assembly of the State of Ohio:

Commissioners of fisheries:

SECTION 1. That section 409 be amended and supplemented so as to read as follows:

Appointment of chief warden; special wardens for certain lakes; deputy state wardens and special deputy state wardens; term of office.

Sec. 409. The commissioners shall, at their annual meeting in January, or at such time as they deem proper, appoint a chief warden who shall hold his office for one year, unless sooner removed by the commissioners. They may also appoint special wardens for Lake Erie, Buckeye lake and Indian lake, and for Mercer county reservoir of the state. They shall also appoint such number of deputy state wardens as in their judgment are necessary to properly police the state. They may also appoint special deputy state wardens, when in their judgment they deem it necessary, who shall hold their offices for such time as the commissioners may direct, and who shall possess the same powers and perform the same duties as deputy state wardens, and they shall receive such compensation for their services as the commissioners deem proper. The special wardens and deputy state wardens shall hold their offices for two years unless sooner removed by the commissioners.

Oath and bond

The chief warden, special wardens and deputy state wardens shall, before entering upon the discharge of their

duties, each give a bond to the state of Ohio (the chief warden in the sum of two thousand dollars, and the special wardens and deputy state wardens in the sum of two hundred dollars) conditioned for the faithful discharge of their respective duties, which bonds shall be approved by and be deposited with the commissioners. The commissioners may allow the chief warden a salary not to exceed twelve hundred dollars per annum, and, in addition, his expenses (not exceeding six hundred dollars) incurred in the discharge of his duties. The commissioners may allow the special lake and reservoir wardens each a salary not to exceed three hundred dollars per annum. The salary and expenses of the chief warden, and the salaries of the special lake deputy state wardens, and reservoir wardens shall be paid out of the fund appropriated for the use of the commissioners. In addition to any other compensation, each warden shall be entitled to any fees which he may earn, which fees shall be the same as are paid sheriffs for similar services in criminal cases. The commissioners may also direct that any fines collected under prosecutions begun by any warden, shall be paid to such warden by the officer before whom the prosecution is had, or by whom the fine is collected; and, in addition thereto, may pay them such further compensation, out of any moneys received from gun licenses, as may be reasonable. For the purpose of effectively enforcing the laws for the protection of birds, fish and game, the commissioners shall divide the state into county police districts and assign to each such district at least one deputy state warden, who shall be a resident of the county, but who shall have power to act in any part of the state.

Salaries and fees.

Division of state into county police districts.

Sec. 409*a*. It shall be the duty of the chief warden, special wardens, deputy state wardens and special deputy state wardens to enforce, within this state, all laws relating to the protection, preservation and propagation of birds, fish and game. The chief warden shall, under the direction of the commissioners, visit all parts of the state and direct and assist the special wardens, deputy state warden [and special deputy wardens] in the discharge of their duties. Each warden shall have full power to execute and serve all warrants and process of law issued for, in connection with, or growing out of the enforcement of any law relating to the protection, preservation or propagation of birds, fish and game, in the same manner and to a like extent, that any sheriff or constable may serve and execute such process; they may arrest on sight and without a warrant, any person detected by them in the act of violating any such laws; they shall have the same right as sheriffs to require aid in executing any process, or in arresting without process any person found by them in the act of violating any of said laws; and they shall have authority to seize without process, any birds, fish or game then found in the possession of any such person, which is so in possession contrary to

Duty and powers of said wardens.

law, together with the guns, nets, seines, traps or other devices with which the same were taken or killed, and forthwith convey such offender before a court or magistrate having jurisdiction of the offense, who shall, upon the filing by the warden of a proper complaint, proceed speedily to try and determine the truth of the charge. Such arrest may be made on Sunday, in which case the offender shall be taken before such court or magistrate, who may require bond for his appearance at the time fixed for the hearing of the complaint, which complaint shall be heard as soon as practicable on a week day following the arrest. In case the offender fails to give bond for his appearance (if any bond be required), the court may order him committed to the jail of the county, or to some other suitable place until the time set for the hearing of the complaint. It shall be the duty of all sheriffs, deputy sheriffs, constables and other police officers, to enforce all laws relating to the protection and propagation of birds, fish and game, and in their enforcement they shall have the same powers as are conferred upon the wardens, and they shall be entitled to like fees for similar services. Prosecutions by the wardens, or other police officers, for offenses not committed in their presence, shall be instituted only upon the approval of the prosecuting attorney of the county in which the offense is committed, or under the direction of the attorney general; and for his services the prosecuting attorney shall receive twenty per cent. of all fines assessed and collected upon prosecutions conducted by him.

Seizure of instruments used for unlawful catching of birds, fish or game.

Sec. 409*b*. Any gun, net, seine, trap or other device whatever used in the unlawful taking, catching or killing of birds, fish or game, is hereby declared to be a public nuisance and shall, upon lawful seizure by any warden or police officer, be deemed forfeited to the state; and it shall be the duty of every warden or other police officer, to seize any such property and institute proceedings for its forfeiture, as provided in section 409*c*, Revised Statutes. When any such gun, net, seine, trap or other device is seized and condemned, as provided in the next succeeding section hereof, the costs of such proceeding shall be adjudged against the owner or the user thereof at the time of the seizure, if known, which judgment shall be the first lien upon his property, and against which lien no exemption can be claimed. When a seizure of any such property has been made no writ of replevin shall lie to take it from the custody of the officer seizing it, or from the custody or jurisdiction of the court before whom such proceeding [is pending], but such property shall be held by such officer or court to await the final determination of such proceeding; and such proceeding shall in no wise affect or bar a criminal prosecution of the person so using such property in violation of law. No warden or other police officer shall be liable in damages to any person for or on acount of any arrest, or for or on account of any search or examination of any package,

parcel, box or other receptacle, or room, building, boat or other place, or for the seizure of any gun, net, seine, trap or other device, or birds, fish or game, when such arrest, search, examination or seizure is made in the discharge of his duties in accordance with the provisions of this act.

Proceedings for condemnation and forfeiture of said instruments.

Sec 409*c*. When any gun, net, seine, trap or other device is seized as provided in section 409*b* hereof, it shall be the duty of the warden or other officer seizing it, to safely keep such property in his possession, or under his control, and to institute, within three days, in the proper court of the county wherein such property is seized, proceedings for its condemnation and forfeiture. Such proceedings shall be instituted by the filing of an affidavit, describing the property seized, setting out the unlawful use to which it was found put, giving the time and place of seizure, and setting out, if known, the name of the person owning, or using the same, at the time of seizure, and if such person be unknown, such fact shall be stated. The court before whom such affidavit is filed shall thereupon issue a summons setting out the facts alleged in the affidavit, and stating the time and place when the cause will be for hearing, a copy of which summons shall be served upon the owner, or person using the property at the time of its seizure (if he be known) personally, or by leaving a copy thereof at his usual place of residence, or business, if in the county, at least three days before the hearing of the complaint. If such owner or user be unknown, or if he be a non-resident of the county, or cannot be found therein, a copy of the summons shall be posted up at a suitable place nearest the place of seizure, and copy mailed him (if his address be known) at least three days before the time set for the hearing of the complaint. The officer making such service shall make a return on the day set for the hearing, of the time and manner of making such service. The court may postpone the hearing upon a proper showing by either party, for such reasonable time as may be necessary. Upon the hearing, proceedings shall be had as provided in section 409*d* of this act. If the court or jury shall find, by a preponderance of the evidence, that the property at the time of its seizure, was being used in violation of law, the court shall adjudge the property forfeited, and shall render judgment against the owner or user thereof, for the costs, and shall order the property turned over to the commissioners of fish and game, to be by them sold at such time and place as they shall deem best, and the proceeds thereof covered into the state treasury as provided by law. But if the court or jury shall find that the property, at the time of its seizure, was not being used in violation of law, the court shall order the property released. A writ of error may be prosecuted by the officer or person filing the complaint, or by the owner or user of the property seized, to review the judgment and order of the court in forfeiting the property, or

in ordering its release, to the court of common pleas, circuit court, and supreme court, in the same manner as writs of error are prosecuted in other civil causes. But if the owner or person so unlawfully using the property at the time of seizure shall be arrested, and shall plead guilty, and shall confess that the property seized was, at the time of its seizure, being used by him in violation of law, in such case it shall not be necessary to institute a proceeding to forfeit the same, but the court before whom the offender has pleaded guilty, shall, in imposing sentence, further order and adjudge that the property so seized be forfeited to the state.

Final jurisdiction.

Sec. 409*d*. Any justice of the peace, mayor, or police judge, within his county, shall have final jurisdiction of all criminal prosecutions brought under this act; and shall have jurisdiction of any and all proceedings to condemn and forfeit property, used in violation of any law relating to the protection, preservation or propagation of birds, fish, or game. If such prosecution, or condemnation proceedings, be before a justice of the peace, and a trial by jury be demanded the said justice shall issue his venire to any warden, or constable of the county, containing the names of sixteen electors of the county to serve as jurors to try such cause or condemn such property, and make due return thereof. Each party shall be entitled to two peremptory challenges, and shall be subject to the same challenges as jurors are subject to in criminal causes in the court of common pleas. If the venire of sixteen names be exhausted without obtaining the required number to fill the panel the justice may direct the constable, or the warden to summon any of the bystanders to act as jurors, or direct him to bring in other persons to act as jurors; and in criminal prosecutions like proceedings shall be had as in criminal cases in the court of common pleas, and in condemnation proceedings, like proceedings shall be had as in civil cases in the court of common pleas. If the prosecution, or proceedings be before a mayor, or police judge, and a trial by jury be demanded, the jury shall be chosen in the manner now provided for the impanelling of juries in other criminal cases. In all prosecutions and condemnation proceedings under the provisions of this act, no cost shall be required to be advanced, secured or paid by, or bond or undertaking required of, any person authorized under the law to prosecute such cases; and if the defendant be acquitted, or if convicted and committed in default of payment of fine and costs, or if the property seized be released, the costs in such cases shall be certified under oath to the county auditor who, after correcting the same, if found incorrect, shall issue his warrant on the county treasurer in favor of the person or persons to whom such costs and fees are due, and for the amount due each person.

Jury trial, etc.

Prima facie evidence of guilt.

Sec. 409*e*. The finding of any gun, net, seine, trap, or other device set, maintained, or in use, in violation of any

law relating to the protection or propagation of birds, fish, or game, shall be prima facie evidence of the guilt of the person owning, using or making claim to the same; and the finding of any birds, fish, or game, unlawfully in the possession of any person, shall be prima facie evidence of the guilt of such person. Wherever the word "person" is used in any law relating to the protection of birds, fish, or game, it shall be held to include "company," "partnership," "association," "corporation" or any "officer," "agent" or "employe" thereof; and wherever the word "warden" is used, it shall be held to include "chief warden," "special warden," "deputy state warden," "special deputy state warden," or any other police officer charged with the duty of enforcing such laws. In every case of conviction, the cost of prosecution, and of condemnation shall, in addition to the fine imposed, of forfeiture declared, be adjudged against the person convicted, or the owner or user of the property condemned. The word "costs" shall be held to include the fees of jurors, which shall be one dollar per day for each juror. Whenever, upon conviction, the person convicted fails to pay the fine and costs imposed upon him, he shall be committed to the jail of the county or to some workhouse and shall there be kept confined one day for each one dollar fine and costs adjudged against him, and he shall not be discharged or released therefrom by any board or officer, except upon payment of the portion of the fines and costs remaining unserved, or upon the order of the commissioners of fish and game. All fines, penalties, and forfeitures arising from prosecutions, convictions, confiscations, or otherwise (unless [otherwise] directed by the commissioners of fish and game) shall be paid by the officer before whom the prosecution is had or by whom the fine is collected, to the chief warden, and by him paid into the state treasury to the credit of a fund which is hereby appropriated for the use of the commissioners.

Meaning of certain words.

Disposition of fines, etc.

SECTION 2. That sections 6968-1, 6968-2, 6968-3 and 6968-4, of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 6968-1. No person shall draw, set, place, locate or maintain any pound-nets, seine, gill-nets, trap or fish-net whatever, in any of the waters of the state, except in the waters of Lake Erie, in the waters of Sandusky bay as far up as the east end of Eagle Island; in the waters of Maumee bay as far up as Maumee bridge; in the waters of Portage bay as far up as Oak Harbor bridge, and further excepting in the waters of any other bay or estuary bordering on or flowing into Lake Erie; nor catch fish in that portion of the waters of Ten Mile creek lying within the state of Ohio, with any device whatever, except with hook and line, with bait or lure. No person shall draw, set, place, locate or maintain any pound-net, seine, gill-net, trap or fish-net whatever, in the waters of Lake Erie, between the first day of January and the first day of March,

Use of nets or seines prohibited in waters of the state except Lake Erie, its bays, etc.

Time within which nets or seines not permitted to be used.

nor in Sandusky bay as far up as the east end of Eagle Island, nor in Maumee bay as far up as Maumee bridge, nor in Portage bay as far up as Oak Harbor bridge, nor in any other bay or estuary bordering on or flowing into Lake Erie; between the fifteenth day of May and the fifteenth day of September, and between the first day of January and the first day of March. No person shall set, place, or locate, or maintain any nets whatever in such waters at a greater distance than four miles from the shore of any island; provided, however, that no person shall set, place, locate or maintain any fish-nets in any channel or passage lying between any island and any other island, or island and the mainland, a greater distance from the shore of such island or mainland than one-fourth of the distance across such channel or passage lying between any islands, or between any island and the mainland, at a place where such nets crossing such channel or passage are located. No person shall set, place, locate or maintain any fish-nets on any of the reefs of Lake Erie. No person shall set, place, locate or maintain any nets whatever within a radius of one-half mile from any pier or breakwater built and maintained by the United States government, or at the mouth of any river or creek flowing into Lake Erie, nor within one-half mile of any embankment, dam or bridge in any bay or river connected with or flowing into Lake Erie, nor more than one-fourth the distance across any bay or river whose waters flow into Lake Erie. Each and every person or firm engaged in catching fish with nets in waters mentioned in this section shall, on the thirtieth day of June and the thirty-first day of December of each year, file a certified statement with the commissioners of fish and game, showing the varieties or species of fish caught, and the amount in weight of each kind of species so caught or taken, and such statement shall show the number and kinds of nets used, the number of vessels used, and the number of men employed during the preceding six months or half year.

Distance from shore of island.

Channel or passage.

Reefs.

Pier, breakwater, embankment, dam, bridge, bay or river.

Semi-annual statements of person or firm useing nets.

License for net fishing; from whom obtained; fees.

Sec. 6968-2. No person shall engage in catching fish for profit with nets in the waters of Lake Erie, or in the estuaries or bays thereof within this state, without first making application for and obtaining from the commissioners of fish and game a certificate of license to so catch fish for profit, and paying therefor a fee of fifty cents and complying with the further provisions of this section. And for the purpose of providing for and establishing and maintaining fish hatcheries and necessary expenses incident thereto, and for the purpose of exercising the police duties of the fish and game wardens and the enforcement of the provisions of the laws enacted for the protection and preservation of fish in the waters of this state, each and every person, firm or corporation, engaged in taking fish with nets in the waters mentioned in section 6968-1, upon the filing of a certified statement provided for in said section, shall pay to the president of the commissioners of fish and game

the sum of fifty cents per ton, of two thousand pounds, upon each and every ton of fish so caught, except sheephead and German carp. For the purpose of securing the information and data upon which to compute the tonnage tax herein provided for, the commissioners of fish and game shall cause to be provided blanks, in such form as they may desire, to be furnished to such person, firm or corporation, upon which such person, firm or corporation shall keep true and accurate account of each day's catch or purchase, from whom purchased, and such other information desired by the fish and game commission. Such blank shall have an affidavit thereto to be executed by such person, firm or corporation or duly authorized agent. Such person, firm or corporation, on June 30 and December 31 of each year, shall deliver to the president of the commissioners of fish and game such report so kept and executed by him or it, such tonnage tax as herein provided shall be paid by such person, firm or corporation on the last business day of each calendar month to the president of the commissioners of fish and game, who is authorized upon receipt of the same, to execute a receipt therefor to such dealer. Any person, firm or corporation neglecting to file such certified statement or failing and neglecting to pay the amount herein provided to the president of the commissioners of fish and game, or to do and perform the several matters and things herein required of such person, firm or corporation, shall forfeit and pay to the state of Ohio the sum of $100 for such neglect, refusal or failure, and such sum may be recovered by civil action, instituted by the commissioners of fish and game in any court of competent jurisdiction, in the name of the state of Ohio. All fees required to be paid hereunder shall be paid to the president of the commissioners of fish and game, and by him paid into the state treasury to the credit of a fund, which is hereby appropriated, for the purpose of propagating, protecting and preserving the fish in the waters of Lake Erie, which fund shall be paid out upon a warrant of the auditor of state, upon requisition signed by the president and secretary of the commissioners of fish and game.

How data obtained.

Penalty for neglecting to file certified statement.

Disposition of fees.

Sec. 6968-3. On and after September 1st, 1900, the bottom of the crib or car, of all nets used in fishing in the waters of Lake Erie, Maumee and Sandusky bays, must be constructed of two and three-quarters inch stretched mesh factory measure. No person shall have in his possession fish caught in the waters mentioned in section 6968-1 of this act of less length than the following, unless caught with a hook and line: pickerel, twelve inches; black bass, fourteen inches; grass pike, twenty inches; white fish, fifteen inches; cat fish, fifteen inches, and sturgeon, four feet. And all fish caught of a length less than herein prescribed for the respective species or kind shall be released alive immediately while the nets are being lifted,

How nets to be constructed.

Possession of certain fish under prescribed length unless caught with hook and line, prohibited.

Release of undersized.

What not deemed violation.

or taken up, in such manner as not to injure the fish so released. Provided, however, that the releasing of such undersized fish shall apply only to the varieties of fish herein mentioned, and having in possession, or failing to return to the water alive as herein mentioned [provided] by the catcher, a quantity of such undersized fish not exceeding in weight three per cent. of each boat load, or part of a boat load, lot, catch, or haul, brought into port, of each variety of fish, the length of which is herein prescribed, shall not be deemed a violation of this act.

Purchase, sale or possession.

No person shall buy, sell or offer for sale, or have in his possession, any fish caught out of season or in any manner prohibited.

Penalty.

Any person violating any of the provisions of this section, or any provision of sections 6968-1 or 6968-2, Revised Statutes, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five dollars nor more than one hundred dollars, for the first offense, and not less than fifty dollars nor more than one hundred dollars for each subsequent offense, and in case of failure or refusal to pay said fine and costs, to be imprisoned in the county jail or workhouse until said fine and costs are paid; and all fines collected under this act shall go to the county fish and game fund in the county wherein the offense was committed, unless otherwise directed and ordered by the fish and game commissioners of the state.

Disposition of fines.

"Channels" and "passages".

Sec. 6968-4. 1. Channels and passages shall be considered those waters lying between islands, and an island and mainland, where the waters of the lake are narrow, or obstructed in consequence of the location of the island therein.

"Island."

2. No rock or land elevated above the surface of the water of Lake Erie having an area of less than five acres above water shall be considered an island for the purposes of this act.

"Reef."

3. For the purpose of this act a reef shall mean an elevation of rock either broken or in place or gravel shown by the latest U. S. chart to be above the common level of the surrounding bottom of the lake, other than the rock, broken or in place, forming the base or foundation rock of an island or mainland, and sloping from the shore thereof; and shall also mean all elevation shown by such chart to be above the common level of such sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way, whether formed by rock broken or in place or from gravel.

Measurements.

4. Measurements of fish shall be made from end of nose to center fork of tail. The depth of water in Lake Erie, its bays and estuaries, shall be governed by the latest United States charts.

Bait; stocking artificial fish ponds; German carp.

5. Nothing herein shall prevent the taking of minnows for bait with nets not exceeding eight feet in length,

or shall prevent the commissioners of fish and game, their agents, or employes from taking fish at any time, or place, or in any manner, for the purpose of stocking ponds, lakes or rivers, or for the maintenance and cultivation of fish in hatcheries. Nothing herein shall apply to artificial fish ponds, or to [the] catching or taking of German carp in any of the bays, marshes, estuaries or inlets bordering upon, flowing into, or in any way connected with Lake Erie, which may be caught or taken at any time or in any manner, provided written permission be first given for the catching or taking thereof by the commissioners of fish and game. The permission to take German carp shall be granted to any person who shall make application, and satisfy the commissioners that if granted such privilege, he will not in any manner violate any law enacted for the protection of fish, which permission may be revoked by the commissioners, upon the conviction of the holder thereof for the taking of fish under his permit in violation of law.

Repeals.

SECTION 3. The following sections of the Revised Statutes, and acts and parts of acts of the general assembly, are hereby repealed:

1. Revised Statutes, section 409.

2. Revised Statutes, sections 6968-1, 6968-2, 6968-3, and 6968-4, as enacted April 26, 1898 (93 O. L., 304, 305, 306, 307).

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 156G

[Senate Bill No. 86.]

AN ACT

To amend section 3137*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Infants:

SECTION 1. That section 3137*a* of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Adoption by step-father or step-mother.

Sec. 3137*a*. Any inhabitant of this state, being the husband of any woman who has a minor child or children by a former husband; or any inhabitant of this state being the wife of any man who has a minor child or children by a former wife, may petition the probate court of his or her proper county for leave to adopt such minor child or children and, where the application is made by the husband alone, or jointly with his wife, for a change of the name

When consent of child necessary.

or names of such child or children. And where each have such minor child or children, the application may be made jointly by the husband and wife. But a written consent must be given to such adoption by the child, if of the age of fourteen years, and by the mother, or father of such child, or children, if she or he is not hopelessly insane or intemperate, or if such mother or father is hopelessly insane or intemperate, then by the legal guardian of such child or children.

SECTION 2. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 157G

[Senate Bill No. 124.]

AN ACT

To amend section 3376 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Railroad companies:

SECTION 1. That section 3376 of the Revised Statutes of Ohio be so amended so as to read as follows:

Penalty for violation of two preceding sections, or of 3340 and 3341.

Sec. 3376. That any such company which violates or permits to be violated any of the provisions of the two preceding sections, or of sections 3340 and 3341, or which demands or receives a greater sum of money for the transportation of passengers or property, or for the service provided for in either of said sections, 3340 and 3341, than the sum allowed by law, shall pay to the party aggrieved for every such overcharge, a sum equal to double the amount of the overcharge; and any officer, employe, or agent of any such company who violates, or permits to be violated, any of such provisions, or demands or receives such sum of money, shall be subject to the like penalty to the party aggrieved; but in no case shall the amount to be paid be less than one hundred and fifty dollars to any bona-fide claimant using the road of such company, or demanding or receiving any of the service provided for in said sections 3340 and 3341 in due course of business. Provided that a separate action shall be brought for each overcharge, unless the party aggrieved give notice in writing at the time of such overcharge, except the first one, to the officer, agent or employe of such railway making or receiving such overcharge, of his intention to bring such action; and no judgment shall be rendered in any action for the penalties herein provided, for more than one overcharge, unless such written notice shall have been given by the party aggrieved.

How recovered.

SECTION 2. Section 3376, as amended by this act, shall apply to all actions now pending, excepting the provisions requiring notice of intention to commence such action to be given as therein required. To what actions this act applies.

SECTION 3. That said original section 3376 be and it is hereby repealed. Repeals.

SECTION 4. That this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 158G

[House Bill No. 270.]

AN ACT

To prevent the introduction and spread of the San José scale and other dangerous insects and dangerously contagious diseases affecting trees, shrubs, vines, plants and fruits.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of control of the Ohio agricultural experiment station immediately on the taking effect of this act, shall appoint a competent person, or persons, who shall, under the direction of the board, perform the duties hereinafter provided. Ohio agricultural experiment station.

SECTION 2. It shall be the duty of the board, either in person or through their assistants, to seek out and cause to be exterminated the San José scale and other dangerous insects, and tree, shrub, vine, or plant diseases. Black knot and peach yellows are hereby declared to be dangerous within the meaning of this act, and trees, shrubs, vines, or plants affected with either of these diseases, shall be subject to its provisions. The mention of San José scale, peach yellows and black knot in this section shall not be held to exclude other insects or diseases which may be found to be dangerous, from the provisions of this act. Said board in person, or through their assistants, shall examine once in each year, not later than August 15, all nurseries in the state of Ohio as to whether they are infested with San José scale or other dangerous insects, or infected with dangerously contagious tree, vine, shrub, or plant disease; and if upon inspection, such nurseries appear to be free from such insects or diseases, the board shall, upon the receipt of $10.00, give each owner of such nursery or nurseries, a certificate to the facts, provided that it shall require but one day or part of one day to make such inspection, and for each additional day or fraction thereof required to complete the inspection, $5.00 shall be charged therefor, and collected before the certificate is granted. In

Board to cause to be exterminated dangerous insects and plant diseases.

Annual examination of nurseries.

Certificate and fee therefor.

addition to the above fee nurserymen must furnish transportation to and from railway station, and facilities for reaching their growing stock, to such person or assistants selected by the board to make said inspection. This certificate shall be void after August 15, of the year following.

Life of certificate.

Filing thereof.

A duplicate of each certificate, together with a statement of amount received therefor, shall be filed by said person or assistants with the secretary of the board, within ten days of its issue, and neglect to file such duplicate of certificate and statement shall be treated as a misdemeanor.

Treatment of affected nursery stock.

If any dangerously injurious insects or infectious diseases are found on the premises of any nursery, or nursery stock, the board may order and enforce such treatment of said nursery stock, as they may deem sufficient in addition to a thorough inspection before granting a certificate, and the same per diem, shall be charged for over-seeing treatment as for nursery inspection.

Duty of person shipping nursery stock.

Whenever a nurseryman or any other person shall ship or deliver within this state, except for scientific purposes, trees, shrubs, plants or other nursery stock, he shall place upon each car load, box, bale or package a copy of a certificate, the original of which is signed by a state or government inspector, stating that stock has been inspected and has been found apparently free from dangerous insects and dangerously contagious tree, shrub, vine and plant diseases.

Illegal use of certificate.

The illegal use of said certificate by changing, defacing or placing it on uninspected stock, or using the same after date of expiration or revocation, shall render the owner or shipper liable to the penalty prescribed for a violation of this act. No person growing for sale any trees, shrubs, vines, or plants, shall deliver the same without applying to the board for the certificate provided for in this act. Provided, however, that existing certificates, issued by the entomologist of the Ohio agricultural experiment station, shall be held to be valid until June 1, 1900.

Examination of orchards, gardens etc.

SECTION 3. It shall further be the duty of said board through their assistants to cause the examination of all orchards, gardens, and other premises, either public or private, which they shall have reason to suppose to be infested or infected with any dangerously injurious insects or infectious diseases, liable to spread or to be conveyed to other premises, and for this purpose, said board and their assistants are authorized, during reasonable business hours, to enter into or upon any farm, orchard, nursery, garden, storehouse or other building or place used for growing, storing, packing or sale of nursery and other horticultural products.

Treatment of infected property.

If said board or their assistants shall find on inspection as aforesaid that any nursery, orchard, garden, or other property or place is infested or infected with such dangerously injurious [insects] or infectious diseases liable to spread or to be conveyed to other premises, to the serious injury of the property thereon, the same shall be declared a public nuisance, and they shall notify,

in writing, the owner or persons in charge of such infested or infected property, and shall direct him, within a time and in a manner prescribed in such notice, to use such measures as shall prevent the conveyance or spread of such insects or diseases to the property of others and such infested or infected property must not be removed from the premises after the owner or person in charge of the same shall have been notified as aforesaid, without the written permission of said board or their assistants. If the person so notified shall refuse or neglect to treat and disinfect said premises or property in the manner and within the time prescribed, it shall be the duty of the board to cause such premises or property to be so treated, and they shall certify to the owner or person in charge of such premises one-half of the cost of the treatment. If said sum is not paid to them within sixty days thereafter, the same may be recovered, together with the cost of action, before any court in the state having competent jurisdiction. Any tree, plant, shrub, etc., which may in the judgment of the board or their assistants, be so badly infested, or infected, as to render expense of treatment unjustifiable, shall be declared a public nuisance and may be destroyed by them or their assistants without liability for compensation to the owner thereof. Right of appeal from the decision or requirements of the assistants may be made to the said board, within three days after notice of such decision or requirements has been served, and the decision of the board shall be final.

Duty of board upon failure of owner to disinfect premises.

Destruction of infected trees, etc.

Appeal.

SECTION 4. Every package of trees, shrubs, vines or plants shipped into this state, from any other state, territory, country or province, shall be plainly labeled on the outside with the names of the consignor, and consignee, and a certificate showing that the contents have been inspected by a state or government officer, and that the trees, shrubs, vines or plants therein contained appear to be free from all dangerous insects and dangerously infectious diseases. If any trees, shrubs, vines, or plants are shipped into this state without such certificate plainly fixed on the outside of the package, box or car containing the same, the facts must be reported within twenty-four hours to the said board by the railroad, express or steamboat company, or by other person or persons carrying the same, and it shall be unlawful to deliver any such property until it has been examined by the board or their assistants and by them certified to be apparently free from dangerous insects or dangerously contagious diseases. Any agent or any common carrier, or persons carrying such property as aforesaid, who shall fail to give such notice as hereby required shall be deemed guilty of a violation of this act. When nursery stock is shipped into this state accompanied by a certificate as herein provided, it shall be held prima facie evidence of the facts therein stated. But the board by themselves or their assistants, when they have reason to believe that any such stock is infested or infected as heretofore

As to plants shipped into this state.

described shall be authorized to inspect the same. In case such stock is found to be infested or infected by any of the aforesaid insects or plant diseases, such stock shall be held subject to order of shipper not to exceed ten days before being declared a public nuisance and destroyed. All expenses incurred by the board or their assistants, in carrying out the provisions of this act shall be paid out of the funds appropriated by this act.

Penalty for violation of this act.

SECTION 5. Any person violating or neglecting to carry out the provisions of this act, or offering any hindrance to the carrying out of this act shall be adjudged guilty of a misdemeanor, and upon conviction before any justice of the peace, shall be fined not less than ten dollars and not more than one hundred dollars for each and every offense, together with all the costs of prosecution, and shall stand committed until the same is paid. It shall be the duty of the county prosecuting attorney to prosecute all violations of this act and all amounts so recovered shall be paid over to to the state treasury.

Annual report of board to governor.

SECTION 6. The board shall make an annual report to the governor of the state, a copy of which shall be sent to the Ohio state horticultural society at its annual meetings, showing the number of nurseries inspected, the number of certificates issued, the number of trees treated or disinfected by them or their assistants, the kinds and amount of property destroyed by them in pursuance of this act and such other facts concerning the operation of their office, under this act, as the said board may deem necessary.

Act does not apply to greenhouses.

SECTION 7. The provisions of this act shall not apply to florist's green house plants, bulbs, flowers and cuttings, commonly known as green house stock.

Disposition of moneys received.

SECTION 8. The said assistants shall pay over to said board of control, all funds coming into their hands under the provisions of section 2, of this act, with an itemized statement of the sources whence received, which moneys shall be used by said board to aid in carrying into effect the provisions of this act, and the amount so received shall be stated in the annual report of said board. The said assistants shall also make to said board an itemized statement of their expenses and the amounts paid for assistants employed in prosecuting the work under this act, which, when certified by said board, shall be paid out of the state treasury upon the warrant of the auditor of state.

Expenses of assistants.

Appropriation for use of board.

SECTION 9. There is hereby appropriated to the said board of control for the purpose of carrying out the provision of this act the sum of fifteen thousand ($15,000) dollars for the years of 1900 and 1901, or so much thereof as may be necessary. The auditor of state is hereby authorized to draw his warrants upon the state treasurer against the sum herein appropriated upon the presentation of proper vouchers and the state treasurer shall pay the same out of any funds in the public treasury, not otherwise appropriated.

SECTION 10. An act known as "house bill 508," passed October 18, 1896, entitled "Ohio black-knot yellows and San José scale law" is hereby repealed. Repeals.

SECTION 11. Whereas an emergency exists, therefore this act shall take effect and be in force on and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 159G

[Senate Bill No. 174.]

AN ACT

To amend section 148*c* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 148*c* of the Revised Statutes of Ohio be amended so as to read as follows: Secretary of state:

Sec. 148*c*. Every foreign corporation, incorporated for purposes of profit, now or hereafter, doing business in this state and owning or using a part or all of its capital or plant in this state, shall, within thirty days after the passage of this act, or, in case of a company hereafter coming into this state, then before it proceeds to do any business in this state, under the oath of the president, secretary, treasurer, superintendent or managing agent in this state of such corporation, make and file with the secretary of state, a statement, in such form as the secretary of state may prescribe, containing the following facts: Foreign corporation to file statement.

1. The number of shares of authorized capital stock of the company and the par value of each share.

2. The name and location of the office or offices of the company in Ohio, and the name and address of the officers or agents of the company in charge of its business in Ohio.

3. The value of the property owned and used by the company in Ohio, where situate, and the value of the property of the company owned and used outside of Ohio.

4. The proportion of the capital stock of the company which is represented by property owned and used and by business transacted in Ohio.

From the facts thus reported, and any other facts coming to his knowledge bearing upon the question, the secretary of state shall determine the proportion of the capital stock of the company represented by its property and business in Ohio, and shall charge and collect from the company, for the privilege of exercising its franchises in Fee charged by secretary of state.

Ohio, one-tenth of one per cent. upon the proportion of the authorized capital stock of the corporation, represented by property owned and used and business transacted in Ohio, being the same fee required to be paid by corporations formed under the laws of Ohio. Upon the payment of the said amount, the secretary of state shall issue to the foreign corporation a certificate that such corporation has complied with the laws of Ohio, and is authorized to do business therein, stating the amount of its entire capital and the proportion of which is represented in Ohio. Provided, this section shall not apply to foreign insurance, banking, savings and loan, or building and loan companies, or to foreign coöperative or invesment companies organized to sell certificates or debentures on the installment or partial payment plan, or companies doing business on the service dividend plan, who have deposited with the treasurer of the state of Ohio securities satisfactory to him of the value of not less than twenty-five thousand dollars, and who shall annually thereafter deposit securities equal in value to ten per cent. of the gross receipts on the amount of business done in Ohio for the preceding year, until the whole amount so deposited has reached the sum of $100,000 for the protection of the holders of said certificates or debentures, or to express, telegraph, telephone, railroad, sleeping car, transportation or other corporations engaged in Ohio in inter-state commerce business; or to foreign corporations, entirely non-resident, soliciting business, or making sales, in this state by correspondence or by traveling salesmen. Any foreign corporation shall have the right, on application, to be heard by the secretary of state touching the matter of the determination of the proportion of its capital stock represented by property used and business done in Ohio. Any corporation aggrieved by the decision of the secretary of state, may, within ten days, appeal to the auditor of state, the treasurer of state and the attorney-general, whose decision in the matter shall be final. Every foreign corporation, subject to the provisions of this section, which shall neglect or fail to comply with its requirements, shall be subject to a penalty of one thousand dollars, and an additional penalty of one thousand dollars for every month that it continues to transact any business in Ohio, without complying with the requirements of this section, to be recovered by action in the name of the state, and on collection, paid into the state treasury to the credit of the general revenue fund. The attorney-general, on the request of the secretary of state, shall institute such action in the court of common pleas of Franklin county, or of any county in which such corporation has an office or place of business, as he prefers. No foreign corporation subject to the provisions of this section, shall maintain any action in this state upon any contract made by it in this state after the time fixed by this act for a compliance by such corporation with its requirements, until

Exceptions.

Appeals.

Penalty for failure to comply.

Suits to compel compliance.

it shall have complied with the requirements of this act and procured the requisite certificate from the secretary of state. Every corporation which has filed its statement and paid the privilege tax under this section, and which thereafter shall increase the proportion of its capital stock represented by property used and business done in Ohio, shall, within thirty days after such increase, file an additional statement with the secretary of state, and pay a fee of one-tenth of one per cent. upon the amount of increase of its capital stock represented by property owned or business done in Ohio. All fees collected by the secretary of state under this section shall be paid by him into the state treasury to the credit of the general revenue fund. Every corporation subject to the provisions of this section, which complies with its requirements, shall not be subject to process of attachment under section 5521, Revised Statutes, or any law of Ohio, upon the ground that it is a foreign corporation or a non-resident of this state. And in all cases where the property of any such corporation in this state shall be taxed in the name of such corporation, and such corporation annually, before the 25th day of April, makes a return to the secretary of state showing the aggregate amount of all of its capital stock owned or controlled by residents of Ohio, together with the names and addresses of such stockholders, with the number of shares owned by each, on the day preceding the second Monday of April, and the aggregate amount of such capital stock owned or controlled by residents of Ohio does not exceed the aggregate amount of the property returned for taxation in the name of such corporation in Ohio, the stockholders of such company shall not be required to list for taxation any share or shares of the capital stock of such corporation. In all cases where the property of any such corporation in this state shall be taxed in the name of such corporation, and such corporation annually, before the 25th day of April, makes a return to the secretary of state showing the aggregate amount of all of its capital stock owned or controlled by residents of Ohio, together with the names and addresses of such stockholders, with the number of shares owned by each, on the day preceding the second Monday of April, and the aggregate amount of all of the capital stock of such corporation owned or controlled by residents of Ohio exceeds the aggregate amount of the property returned for taxation, in the name of such corporation in Ohio, the stockholders of such corporation shall not be required to list for taxation any share or shares of the capital stock of such corporation, except such proportionate value thereof as the value of the property of such corporation located outside of the state of Ohio bears to the value of the entire property of such corporation. Provided, however, that such exemption shall only apply to the shares of stock specifically set forth on the tax blanks of such stockholders. Provided further, that where all the business of a for-

Requirements of corporations when capital stock is increased.

Fees to be paid into state treasury.

Not liable to attachment.

Stockholder of corporation taxed in accordance with this act need not list shares for taxation.

When stockholder required to list proportionate share of stock.

eign corporation is transacted in this state, and all of its property situated and taxed in Ohio, the stockholders of such corporation shall not be required to list for taxation any share or shares of the capital stock of such corporation.

Penalty for acting as agent of corporation failing to comply with act.

If any person solicits or transacts within this state, any business for any such foreign corporation, until it shall have complied with all the provisions of this section, he shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than ten dollars, nor more than five hundred dollars, or be imprisoned not less than ten days nor more than six months, or both. It shall be the duty of the prosecuting attorney, upon direction of the attorney-general, to prosecute any person charged with a violation of the provisions of this section.

Repeals.

SECTION 2. That said original section 148*c* (93 O. L., 225; 91 O. L., 272), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 160G

[House Bill No. 499.]

AN ACT

To authorize the county commissioners to furnish memorial tablets for graves of deceased union soldiers.

Be it enacted by the General Assembly of the State of Ohio:

County commissioners to procure metal marker for soldiers' graves.

SECTION 1. That the board of county commissioners in the several counties in [of] this state shall, upon the petition of any five reputable freeholders of any township or municipality in their county, procure for and furnish to said petitioners some suitable and appropriate metal marker for the grave of each and every soldier, sailor or marine who served with honor in the forces of the United States buried within the limits of said township or municipality to be placed on the grave of such soldier for the purpose of permanently marking and designating said grave for memorial purposes.

SECTION 2. That in all petitions to the county commissioners the petitioners shall state in said petition the names of soldiers buried and number of such graves in their said township or municipalities at the time of petitioning.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 161G

[House Bill No. 684.]

AN ACT

To extend the appropriation provided for in section 8 of an act entitled "An act to provide for the condemnation of, or purchase of real estate, and erection of a state building in order to provide suitable offices and rooms for the use of the state, the officers and departments thereof, and to repeal a certain act therein named," passed April 19th, 1898 (93 O. L., page 119), and to make further provision for furnishing the building, provided for in said act.

Be it enacted by the General Assembly of the State of Ohio:

Reappropriation of unexpended balance in state building fund.

SECTION 1. That all that part of the sum of four hundred thousand dollars appropriated by the provisions of section 8 of an act entitled "An act to provide for the condemnation of or purchase of real estate, and erection of a state building in order to provide suitable offices and rooms for the use of the state, the officers and departments thereof, and to repeal a certain act therein named passed April 19, 1898, remaining unexpended is hereby reappropriated for the purposes therein specified.

Commission continued.

SECTION 2. The commission provided for under the provisions of said act is hereby continued until its duties are fully completed, but shall serve without compensation other than that provided for in said original act.

SECTION 3. This act shall take effect and be in force on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 162G

[House Bill No. 90.]

AN ACT

To make appropriation for Westbrook Still.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for Westbrook Still.

SECTION 1. That there be, and is hereby, appropriated out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of $300 to Westbrook Still, in full for damages sustained by reason of the state leasing to the said Westbrook Still a certain tract of land located in Licking and Perry counties which the state claimed to own; whereas, in fact the land was the property of one T. C. Hamilton.

SECTION 2. This act shall take effect and be in force on and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 163G

[House Bill No. 304.]

AN ACT

To amend section 6966 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against public policy:

SECTION 1. That section 6966 of the Revised Statutes of Ohio be amended so as to read as follows:

Penalty for shooting or hunting on lands of another without permission.

Sec. 6966. Whoever, without having first received written permission from the owner, his agent, or the person having the control of any lands, pond, lake, or other private waters, except the waters claimed by riparian right of ownership of adjacent lands, hunts upon the same or thereon hunts, shoots, or shoots at, kills or pursues with the intent to kill, or capture the Virginia partridge, quail, pheasant, prairie chicken, ruffled [ruffed] grouse, blue winged teal, mallard duck, wood duck, squirrel, rabbit, wild turkey, robbins, turtle doves, or any other bird or wild animal, [fowl] or game of any kind or destroys the eggs or nests of any such bird or fowl, shall be deemed guilty of a misdemeanor, and upon conviction thereof, for the first offense, fined not less than five or [nor] more than fifteen dollars, and stand committed until such fine and costs of suit are paid; and any person convicted for a second offense under this section committed within a year from time of first offense, shall be fined not less than five or [nor] more than fifteen dollars, and stand committed until such fine and costs of suit are paid.

Repeals.

SECTION 2. That section 6966 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 164G

[House Bill No. 888.]

AN ACT

To supplement section 1292 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Salaries of state officers:

SECTION 1. That section 1292 of the Revised Statutes of the state of Ohio be supplemented so as to read as follows:

Additional compensation of common pleas judges in Butler and Montgomery counties.

Sec. 1292*c*. The judges of the court of common pleas residing in Montgomery and Butler counties shall each, in addition to the salary now paid judges of the court of common pleas out of the state treasury, receive out of the treasury of Montgomery and Butler counties twenty-five

hundred dollars annually, to be paid them at the same time and in like manner as provided by law for the payment of the salaries of judges out of the state treasury.

SECTION 2. This act shall take effect June 30, 1901. When act takes effect.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 165G

[House Bill No. 278.]

AN ACT

To provide suitable waiting-rooms at railroad stations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That every person, firm or corporation operating a steam railroad wholly, or in part, within the state of Ohio, be required to provide a suitable waiting room at each station where passenger trains or any of them, of such road, are regularly scheduled to stop, for the use of the traveling public. Said waiting rooms to be maintained and kept as to be conducive to the health and comfort of the patrons of such railroad. Waiting rooms at railway stations to be maintained.

SECTION 2. Upon the written complaint of ten or more citizens of the state of Ohio being filed with the said commissioner that any of the provisions of this act are being violated, at such station, the said commissioner shall forthwith make investigation of the same; and if upon such investigation it be found that such violation exists, he shall issue an order to the person, firm or corporation guilty of such violation, setting forth the nature of the improvement required and directing that the same be completed within a time to be specified therein. Duty of commissioner of railroads and telegraphs.

SECTION 3. Any person, firm or corporation failing to comply with an order of said commissioner, or any of the provisions of this act, shall, upon conviction therefor before a court of common pleas of the county in which such violation shall occur, forfeit and pay any sum not less than one hundred dollars. Such forfeiture or penalty to be recovered in a civil action in the name of the state of Ohio, for the benefit of the county in which such failure or violation shall occur; such action to be brought by the prosecuting attorney of the county in which the violation of this act occurs, at the instance of the commissioner of railroads and telegraphs, as provided in other cases for the recovery of penalties and forfeitures against railroad companies. Said prosecuting attorney shall receive, for his services ten per cent. of all fines and costs recovered under the provisions of this act. Penalty. Prosecuting Attorney to prosecute violations. Compensation of prosecuting attorney.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 166G

[House Bill No. 226.]

AN ACT

To supplement (2966-50) section 34 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That (2966-50) section 34 of the Revised Statutes of Ohio be supplemented by (2966-50) section 34*a* to read as follows:

Voter may absent himself from employment to enable him to vote.

(2966-50) Sec. 34*a*. Any person entitled to vote at a general election in this state shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of two hours between the time of opening and closing the polls; and such voter shall not because of so absenting himself be liable to any penalty; provided, however, that application for leave of absence shall be made prior to the day of the election; the employer may specify the hours during which said employe may absent himself as aforesaid. Any person or corporation who shall refuse to an employe the privilege hereby conferred, or shall subject the employe to a penalty because of the exercise of such privilge, or who shall, directly or indirectly, violate the provisions of this section, shall be deemed guilty of a misdemeanor and be fined in any sum not less than five ($5.00) dollars nor more than one hundred ($100.00) dollars.

Penalty for refusing employe privilege to vote or subjecting him to penalty.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 167G

[House Bill No. 940.]

AN ACT

To amend section 1209*a* of the Revised Statutes of Ohio, as amended May 18, 1894 (91 O. L., 303).

Be it enacted by the General Assembly of the State of Ohio:

Coroner:

SECTION 1. That section 1209*a* of the Revised Statutes of Ohio, as amended May 18, 1894 (91 O. L., 303), be amended so as to read as follows:

Sec. 1209*a*. The coroner in all counties having a city of the first grade of the first class may appoint a clerk at a salary not to exceed twelve hundred ($1,200) dollars per annum, and the coroner in all counties having a city of the first class of the second grade may appoint a deputy coroner, who shall have power to do and perform all duties imposed by law upon the coroner of said county in his absence, at a salary not to exceed fifteen hundred ($1,500) dollars per annum, and said coroner in all counties having a city of the first class of the second grade may appoint a stenographer at a salary not to exceed seven hundred and eighty ($780) dollars per annum, and the term of office of said deputy coroner and stenographer shall expire with the term of the appointing coroner; and the auditor of each county aforesaid is authorized to draw monthly his warrants for the respective salaries aforesaid, on the county treasurer, who shall pay the same out of any fund not otherwise appropriated.

Coroner's clerk in Hamilton county; deputy coroner in Cuyahoga county; salaries.

Coroner's stenographer in Cuyahoga county and salary.

SECTION 2. Said section 1209*a* of the Revised Statutes, as amended May 18, 1894, is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 168G

[House Bill No. 556.]

AN ACT

To amend section 3926 (as amended 93 O. L., page 74), of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3926 (as amended 93 O. L., page 74), be amended so as to read as follows:

Township and special districts:

Sec. 3926. When the electors of a special or village district desire to abandon their organization, and become a part of the township district of the township in which such special or village district is located, they shall make the change in the following manner: Written or printed notices shall be posted in at least five of the most public places in the district, signed by a majority of the members of the board of education, or one of the board, and at least six resident electors of the district, requesting the qualified electors thereof to assemble on a day, and at an hour and place, designated in the notices, which notices shall be posted at least ten days prior to the day designated in them, then and there to vote for or against such change;

How special district abandoned.

Notice of election.

Judges of election; how chosen.

the electors, when assembled at the time and place designated in the notices, shall appoint a chairman and two clerks, who shall be judges of the election, which shall continue at least two hours; those in favor of the proposed change shall have written or printed on their ballots the words, "School—change," and those opposed thereto the words, "School—no change;" and a majority of the ballots cast shall determine the question whether the change be made; the judges shall within five days after the election make due return thereof to the board of education of the district; and if a majority of the votes cast are in favor of the change, the board shall immediately certify that fact to the township board, which shall thereupon assume jurisdiction of the territory, property, and affairs of the special district, and thereafter treat such district as a subdistrict of the township district. Provided, however, that in a special district, which has been created from two or more joint subdistricts, subdistricts or parts of subdistricts if the electors of the territory which formerly composed any one or more of such joint subdistricts, subdistricts or parts of subdistricts desire to withdraw from the special district organization and become a part of the township in which they are situated, the change may be made by a majority vote of the electors of the special district except that posted notices signed by six resident electors shall be sufficient to call such election.

Returns of election.

Township board to have jurisdiction of territory, etc.

Withdrawal from special district.

Repeals, etc.

SECTION 2. That said section 3926 (as amended 93 O. L., page 74), is hereby repealed, and this act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 169G

[House Bill No. 400.]

AN ACT

To amend section 6961 of the Revised Statutes (Bates' Annotated) of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against public policy:

SECTION 1. That section 6961 of the Revised Statutes of Ohio be amended so as to read as follows:

Catching, killing, injuring or pursuing game, destroying eggs or nests, hunting, shooting, trapping, etc.

Sec. 6961. No person shall, on any place, catch, kill or injure, or pursue with such intent, any quail, except between the tenth day of November and the first day of December, inclusive; or any woodcock, squirrel or rabbit, except between the tenth day of November and the first day of December, inclusive; or any ruffed grouse, or

pheasant or prairie chicken, except between the tenth day of November and the first day of December, inclusive; or any rail, snipe, kildeer or plover, except between the tenth day of November and the first day of December, inclusive; or any coot or mud hen, or wild duck, except between the tenth day of November and the first day of December, inclusive, and the tenth day of March and tenth day of April, inclusive. No person shall, at any time, catch, kill or injure, or pursue, with such intent, any wild duck or wild goose, by the aid or use of any swivel or punt gun, or any other gun but a common shoulder gun; or with the aid of or from any sink boat or battery, or by the use or aid of any steamboat, naptha launch, electric launch, sailboat, steam launch or any kind of boat whatsoever, except a common rowboat propelled by oars. No person shall, at any time, catch, kill or injure, or pursue with such intent, any of the birds, game or animals mentioned in this act, with or by the use of any trap, net or snare, or destroy any of the eggs or nests of any of the birds named in this section. No person shall kill any wild duck on Sunday or Monday of any week, or on any of the reservoirs belonging to the state of Ohio, or upon the waters of Lake Erie and the estuaries and bays thereof, or on the rivers, creeks, ponds, or other waters or bodies of water in this state. No person shall hunt, shoot or trap or have in possession in the open air for such purpose, any of the implements for the hunting, shooting or trapping of the same, on the first day of the week, commonly called Sunday. No person shall shoot at or kill any wild duck before five o'clock in the forenoon, or after six o'clock in the afternoon of any day upon which it shall be lawful to kill the same. Any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined as provided in section 6968. Provided, that nothing herein shall be construed so as to prohibit the killing of squirrels or rabbits by the owner or tenant of any premises where such animals may be found injuring grain, fruit trees, shrubbery or vegetables.

Injurious squirrel or rabbit.

SECTION 2. That section 6961 of the Revised Statutes (Bates' Annotated) of Ohio be and the same is hereby repealed.

Repeals, etc.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 170G

[House Bill No. 938.]

AN ACT

To amend sections 2 and 6 of an act entitled "An act to provide for the abandonment of the Hocking canal and the leasing of the same to the Columbus, Hocking Valley and Athens railroad company," passed May 18th, 1894 (91 O. L., 327), as amended April 23, 1898 (93 O. L., page 216).

Preamble;

WHEREAS, By an act passed by the general assembly of the state of Ohio, on May 18th, 1894, the said state leased and conveyed to the Columbus, Hocking Valley and Athens railroad company, its successors and assigns, the Hocking canal and property of the state of Ohio, adjacent thereto, and said company has paid into the treasury of this state the sum of fifty thousand ($50,000) dollars as provided in said act; and

WHEREAS, The title of the state of Ohio to said premises was attacked in court by numerous suits and the said railroad company was compelled to defend the title thereto through all the courts of the state of Ohio and through the supreme court of the United States, at large expense to itself, and the state of Ohio did not defend said suits and maintain its title and right to lease said premises; and

WHEREAS, Said suits were decided by the supreme court of Ohio March, 1898, and were thereupon taken to the supreme court of the United States and by said court finally determined and decided February 26th, 1900, and said court has sustained said lease so made by the state of Ohio to said railroad company; and

WHEREAS, The said long continued litigation and attacks upon the title of said railroad company to said premises, has rendered it impossible to construct said railroad until said title was rendered valid by the decree of said last named court; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2 and section 6 of an act entitled "An act to provide for the abandonment of the Hocking canal and the leasing of the same to the Columbus, Hocking Valley and Athens railroad company," as amended April 23, 1898 (93 O. L., page 216), to be and the same is hereby amended so as to read as follows:

Lease to Columbus, Hocking Valley and Athens railroad company; term and conditions.

Sec. 2. There is hereby granted the right, franchise, and privilege of construction, maintaining and operating over, upon and along the Hocking canal and property of the state of Ohio adjacent thereto, a railroad, with single or double tracks, side tracks, switches, bridges, stations and other structures usual and incidental to the operating of a railroad, to the Columbus, Hocking Valley and Athens railroad company, its successors and assigns, for the term of ninety-nine years, renewable forever, for and in consideration of the payment by said company, its successors or assigns, to the treasurer of the state of Ohio on the first

day of July, 1894, the sum of fifty thousand dollars, and on the first day of January, 1905, and of each and every year thereafter during the term of this lease, the sum of ten thousand dollars annual rental. Provided such company, or its assigns, shall, within thirty days after the passage of this act file a written waiver with the auditor of state, releasing all claims to any amount of money already paid to the state by it or its assigns, and further waiving and releasing all claims to damages against the state by reason of any acts of the state heretofore taken.

When work of construction to be completed.

Sec. 6. The work of constructing said railroad shall be commenced within six months after the passage of this act, and the same shall be completed on or before the first day of October, A. D. 1905.

Repeals, etc.

SECTION 2. Said original sections 2 and 6 as amended April 23, 1898, are hereby repealed and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 171G

[House Bill No. 730.]

AN ACT

To amend section 2678 of the Revised Statutes of Ohio, as amended February 27th, 1896 (O. L., vol. 92).

Be it enacted by the General Assembly of the State of Ohio:

Law libraries:

SECTION 1. That section 2678 of the Revised Statutes of Ohio, as amended February 27, 1896 (O. L., vol. 92) be so amended as to read as follows:

Compensation of law librarian in certain cities; how fixed.

Sec. 2678. The judges of the court of common pleas of a county containing a city of the first class, or of the first or second grade of the second class, or of the second class, third grade, or fourth grade, in which there now is or may hereafter be a law library association which furnished to all of the county officers and the judges of the several courts in such county admission to its library, and the use of its books free of charge, shall, upon the appointment by the trustees of such association, of a person to act as librarian thereof, fix the compensation of such librarian which shall be paid out of the county treasury. And the books and furniture of such library association used exclusively in such library shall be exempt from taxation.

Property of library association exempt from taxation.

Repeals, etc.

SECTION 2. That said section 2678 as amended February 27th, 1896, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 172G

[House Bill No. 560.]

AN ACT

An act to amend and supplement section 4686-18 of the Revised Statutes of Ohio as enacted March 13, 1896.

Be it enacted by the General Assembly of the State of Ohio:

Township roads:

SECTION 1. That section 4686-18 of the Revised Statutes of Ohio be so amended and supplemented as to read as follows:

Annual tax.

Sec. 4686-18. When the trustees of any such township have determined to improve any street or road, as herein provided, in order to provide for the payment of such improvement and to provide a fund for the redemption of any bonds issued by them under the provisions of section seventeen of this act, together with the interest thereon, they shall, in addition to the other road taxes authorized by law, levy annually upon each dollar of valuation of all the taxable property of such township, including such village, an amount not exceeding six mills upon each dollar of such valuation, and shall continue such levy from year to year until all the roads and streets by said commissioners designated for improvement have been improved, as herein provided, and the bonds issued for that purpose, together with interest thereon, have been paid. Provided, however, that the trustees of any township in this state in which free turnpikes have been heretofore constructed under the provisions of this act, shall not levy an amount exceeding three mills upon each dollar of such valuation, until the right to increase such levy has been authorized as provided in section 4686-18*a* of this act.

Submission of question of increased tax levy.

Sec. 4686-18*a*. The trustees of any township in this state, in which free turnpikes have been heretofore constructed under the provisions of this act, shall, when the petition of one hundred or more of the taxpayers of such township, including any village, therein, is presented to them praying for an increase of tax levy for the improvement of public roads and streets of such township and village, submit the question for an increase of tax levy for the improvement of public roads and streets to the qualified electors of such township and such village, at the next general election held after the presentation of such petition. The qualified electors of such township and village

shall, at said election, have submitted to them the policy of an increase of tax levy for the improvment of its public roads and streets by general taxation. Those voting in favor of such proposition shall have on their ballots, "Increase of tax levy for road improvement by general taxation—Yes," and those opposed, "Increase of tax levy for road improvement by general taxation—No." The township trustees shall cause notice of said election to be given in the same manner as provided in section 4686-2 of this act, and the provisions of section 4686-3 of this act shall be applicable to such election. If at such election a majority of the votes cast are in favor of an increase of tax levy for road improvement by general taxation, the township trustees shall levy annually upon each dollar of valuation of all the taxable property of such township, including such village, an amount not exceeding six mills upon each dollar of valuation, as provided in section 4686-18 of this act; and if a majority of the votes cast are against an increase of tax levy for road improvement by general taxation, the township trustees shall not levy a tax in excess of that which they were authorized to levy before such election was held; but they shall, when a like petition is hereafter presented to them, again submit the same question, at the next general election held after the presentation of such petition, to the qualified voters of such township including such village, notice of which shall be given and the election conducted, in all respects, in the manner hereinafter prescribed.

Notice of election.

Resubmission of question.

SECTION 2. Said original section 4686-18 is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 173G

[House Bill No. 925.]

AN ACT

To supplement section 4637 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4637 of the Revised Statutes of Ohio be supplemented so as to read as follows:

County roads:

Sec. 4637*k*. That in any county having at the last federal census, a population of not less than 40,295, nor more than 40,298, the commissioners may cause to be widened or altered not to exceed the width of eighty feet such county roads or parts thereof as may heretofore have

Widening and alteration of roads in Lorain county.

been established, and upon the petition of the owners of a majority of the foot frontage along any county road, the county commissioners shall direct the county surveyor to establish a grade along such road, or any part thereof, subject to the approval of said commissioners; provided, however, that the petitioners therefor shall represent not less than one-half mile of the foot frontage of said road.

Assessment of compensation and damages.

Sec. 2. In all cases where the county roads may hereafter be established, widened or altered by virtue of this action, the county commissioners who are hereby created an assessing board for the purpose of assessing the cost and expense as set forth herein, may, instead of requiring the compensation and damages for the land taken and expense of grading and draining said road to be paid in whole or in part out of the county treasury or by the petitioners, as provided in section 4651 of the Revised Statutes, assess the same or such part thereof as they may deem equitable under the circumstances, upon the lots or lands abutting upon the said improvement and upon lots and lands benefited thereby and in making such assessments regard must be had as far as practicable to the benefits conferred upon the property assessed.

Collection of assessments.

Sec. 3. The assessments so made shall be certified by the commissioners to the auditor of the county, who shall place the same on the tax list against such taxable property, which shall thereupon become a lien upon such property, and the same shall be collected as other taxes in not to exceed five annual installments; provided, that said county commissioners may, in anticipation of the collection of such assessments, cause the whole of such compensation, damage and expense to be paid at once out of the county treasury to the parties entitled thereto, in which case interest at the rate of five per cent. per annum may be added to all the unpaid installments and collected therewith.

Assessment upon real estate subject to life estate.

Sec. 4. When such an assessment is made upon real estate subject to a life estate, the provisions of section 2268 of the Revised Statutes shall apply.

Compensation, etc., may be paid out of county treasury.

Sec. 5. The commissioners may order such part of the compensation, damages and cost as they may deem equitable, to be paid out of the county treasury.

Publication of assessments.

Sec. 6. Before adopting the assessments so made, the county commissioners shall publish notices for three weeks consecutively, in some newspaper of general circulation in the county, that such assessments have been made, and that the same is (are) on file in the office of the county commissioners for the inspection and examination of persons interested therein.

Objections to assessments.

Sec. 7. If any person objects to the assessment, he shall file his objection in writing with the board of county commissioners within two weeks after the expiration of the said notice, and thereupon the board shall appoint three disinterested freeholders of the county to act as an equalizing board.

Hearing objections.

Sec. 8. On a day appointed by the commissioners for that purpose, such board after taking an oath before a proper officer honestly and impartially to discharge their duties, shall hear and determine all objections to the assessment and equalize the same as they may think proper, which equalized assessment they shall report to the board of county commissioners, which shall have the power to confirm the same, or set it aside and cause a new assessment to be made, and appoint a new equalizing board possessing the same qualification, which shall proceed in the manner above provided.

Confirmation of assessments.

Sec. 9. When the assessment is confirmed by the county commissioners it shall be complete and final; provided, that whenever by any of the provisions of this act any act or thing is required to be done by the county commissioners, the concurrence of two-thirds of said county commissioners shall be deemed sufficient.

Application of existing statutes.

Sec. 10. All of the provisions of title 7, chapter 2, of the Revised Statutes, so far as the same are not inconsistent herewith, shall apply to all roads established, widened or altered under the provisions of this act, and the same right to appeal to the probate court as now exists under the provisions of title 7, chapter 4, of the Revised Statutes, is reserved.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 174G

[House Bill No. 877.]

AN ACT

To amend section 4105 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Colleges and universities:

SECTION 1. That section 4105 of the Revised Statutes of Ohio be amended so as to read as follows:

Provisions of chapter applicable to city of Toledo.

Sec. 4105. That the provisions of this chapter shall be applicable to cities of the third grade of the first class, except that the rate of taxation to be assessed and levied, shall not exceed one-half of one mill upon the taxable property of such cities; and except that the board of directors or trustees shall consist of five members and shall be filled by appointment from persons of approved learning, discretion and fitness for the office, by the board of education and confirmed by the common council in the city in which such university shall be located; such appointments shall be made within thirty days after the passage of this

act, and one member shall be appointed for one year, one member for two years, one member for three years, one member for four years, and one member for five years, and in April, 1901, and annually thereafter one member shall be appointed for a term of five years. The members of the university board of directors or trustees in cities of the third grade of the first class, in office when this act takes effect, shall continue in office until the board herein provided for shall be appointed and organized, at which time the powers and duties of such former board shall cease and determine, and their offices thenceforth shall be and are hereby abolished; and the directors or trustees appointed under this section shall serve until their successors are appointed and qualified, and any vacancy which may occur in the board of directors or trustees from resignation, removal, death or other cause shall be filled by appointment in the same manner as is provided for the appointment of director or trustees in this section, for the unexpired term of such director or trustee.

Repeals, etc.

SECTION 2. That said original section 4105 is hereby repealed; and all acts or parts of acts inconsistent with this act, are hereby declared void as to such inconsistency but not otherwise; and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 175G

[House Bill No. 306.]

AN ACT

To supplement sections 3056-1, 3056-2, 3056-3, 3056-4, and 3056-5 of the Revised Statutes of Ohio by the enactment of supplemental section 3056-5*a*.

Be it enacted by the General Assembly of the State of Ohio:

Cleveland city guards:

SECTION 1. That the following section be enacted as supplemental to sections 3056-1, 3056-2, 3056-3, 3056-4 and 3056-5 of the Revised Statutes of Ohio:

Janitor for armory; employment and payment of.

Sec. 3056-5*a*. When any company is organized under and has complied with the provisions of sections 3056-1, 3056-2, 3056-3, 3056-4 and 3056-5, said city is authorized to provide by ordinance for the employment and payment of a janitor to care for the armory occupied and used by said company for military purposes, said janitor to be employed by and be under the control of said company.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 176G.

[House Bill No. 952.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for sundry purposes.

SECTION 1. That there be and is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of four thousand ($4,000) dollars for contingent expense of the house; two thousand ($2,000) dollars for contingent expense of the senate; and two thousand eight hundred and eighty-four dollars and seventy cents ($2,884.70), for deficiency in fund for transportation of patients to hospital for epileptics at Gallipolis; salary of commissioner of soldiers' claims (two years), thirty-six hundred dollars ($3,600); [salary of clerk of commissioner of soldiers' claims (two years)], one thousand eight hundred dollars ($1,800); contingent fund for commissioner of soldiers' claims (two years), nine hundred dollars ($900).

SECTION 2. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 177G

[House Bill No. 901.]

AN ACT

To amend sections 4, 5, 6, 7 and 8 of the act passed March 27, 1889 (86 v. O. L., 135), and amended April 18, 1892 (89 v. O. L., 414), entitled "An act to provide for the better protection of human life against fire, and to regulate the construction and management of steam boiler furnaces in cities of the first and second grades of the first class," and to supplement said act with section 7*a*.

Be it enacted by the General Assembly of the State of Ohio:

Building laws; Cleveland and Cincinnati:

SECTION 1. That sections 4, 5, 6, 7 and 8 of an act passed March 27, 1889 (86 v. O. L., 135), and amended April 18, 1892 (89 v. O. L., 414), entitled "An act to provide for the better protection of human life against fire, and to regulate the construction and management of steam boiler furnaces in cities of the first and second grades of the first class," are so amended to read as follows:

Provisions as to steam boiler furnaces.

Sec. 4. Every steam boiler furnace used within the corporate limits of any city of the first or second grade of the first class shall be so constructed or altered, or have attached thereto such sufficient smoke preventives as to produce the most perfect combustion of fuel or other ma-

terial from which smoke results, and so as to prevent the production and emission of smoke therefrom, so far as the same is possible. And any person or persons, association or corporation, being the owner or lessee or having control of any such steam boiler furnace, shall use or allow the use of any such furnace which shall not be so constructed, or if already constructed at the time of the passage of this act, shall not be so altered, or shall not have attached thereto such sufficient smoke preventives as to produce the most perfect combustion of fuel or other material from which smoke results, and so as to prevent the production and emission of smoke therefrom, so far as the same is possible, or shall fail to keep such steam boiler furnace and such smoke preventives in good and efficient order and operation, shall be subject to a fine of not less than twenty dollars nor more than fifty dollars for the first offense, and for each subsequent offense shall be fined not less than fifty nor more than one hundred dollars.

Smoke prevention.

Sec. 5. Every person having charge of the igniting, making, feeding, stoking or attending any such furnace and any smoke preventives attached thereto shall so ignite, make, stoke, feed or attend such furnace fire that least possible smoke shall be produced or emitted therefrom, and shall keep such furnace and smoke preventives attached thereto in good and efficient order and use, that the least possible smoke shall be produced and emitted therefrom, and any such person who shall fail, or neglect to so ignite, make, stoke, feed or attend such furnace fire, that the least possible smoke shall be produced or emitted therefrom, or shall fail or neglect to keep such furnace or smoke preventives attached thereto in good and efficient order and use, or shall hinder or disarrange any such furnace or smoke preventives attached thereto, shall be subject to the payment of a penalty of not less than twenty dollars nor more than fifty dollars for the first offense, and not less than fifty dollars nor more than one hundred dollars for each subsequent offense.

Provision concerning supervising engineer.

Sec. 6. The mayor of the city in every city of the first or second grade of the first class shall appoint a person of suitable qualifications as supervising engineer, who shall hold his office for the term of two years from and after the date of his appointment, and until his successor is appointed and qualified, unless otherwise provided by law, and he shall have authority to supervise and require all steam boiler furnaces in such city to be constructed, or if already constructed, to be so altered or have attached thereto such efficient smoke preventives as to prevent the production and emission of smoke therefrom so far as the same is possible, and he shall further have authority to supervise the igniting, making, stoking, feeding and attending such steam boiler furnace fires, and he shall also have authority, in the performance of the duties of his office, to enter any

steam boiler or engine room, or any building not occupied exclusively as a private residence, and any person or persons hindering or obstructing him in the performance of such duties shall be subject to a fine of not less than twenty (20) dollars nor more than fifty (50) dollars or imprisoned in the workhouse for a period of not exceeding thirty days.

In Cincinnati; oath and bond.

Sec. 7. The supervising engineer, in cities of the first grade of the first class, before entering upon the duties of his office, shall take and subscribe an oath to faithfully and impartially execute the duties of his office; he shall give bond in the sum of $10,000, with two or more good, sufficient securities, which bond shall be approved by the city solicitor and deposited with the mayor, and he shall receive an annual salary of $2,500, which salary shall be paid out of the city treasury the same as the salaries of other city officers are paid, and all fines assessed and collected under any of the provisions of this act shall be paid into the city treasury to and for the benefit of the street repairing fund; and to enable said supervising engineer to carry out in the most prompt and effective manner all of the provisions of this act, the city council shall have the power to provide for the appointment, by the mayor, of an assistant supervising engineer, who shall be subject to the orders and control of the supervising engineer, and who, during the disability or absence of said supervising engineer, shall have the power and perform all the duties conferred by this act upon the said supervising engineer, and he shall receive for his services such salary as the city council shall prescribe.

Assistant.

Office and duties.

Sec. 8. The supervising engineer shall keep an office in the city hall or other suitable place, as shall be provided by the city council, where he shall keep a record in detail of the business and transaction of his office, and all books, stationery, postage and other necessary expenses to be paid from the city treasury, and it shall be the duty of such supervising engineer to commence and aid in prosecuting information or legal proceedings against persons for a violation of any of the provisions of this act.

SECTION 2. That said act passed March 27, 1889 (86 v. O. L., 135), be supplemented by the addition of a section, with sectional numbering as follows, and so as to read as follows:

In Cleveland; term; salary; assistants;

Sec. *7a*. The supervising engineer in cities of the second grade of the first class shall be appointed for a term of five years, and shall receive an annual salary of $2,500, and he shall have power to appoint one first assistant who, during the disability or absence of the supervising engineer, shall have the power and perform all the duties conferred by this act upon the said supervising engineer, and who shall receive an annual salary of $1,200; and said supervising engineer shall also have the power to appoint

two other assistants who shall each receive an annual salary of $1,000, and one clerk who shall receive an annual salary of $800, and all of said salaries provided for in this section shall be paid from the city treasury the same as the salaries of other city officers are paid.

Repeals.

SECTION 3. That sections 4, 5, 7 and 8 of the act passed March 27, 1889 (86 v. O. L., 135), and section 6 of said act, as amended April 18, 1892 (89 v. O. L., 414), are repealed.

SECTION 4. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 178G

[House Bill No. 777.]

AN ACT

To amend and supplement section 2814 and to supplement section 2813 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Boards of equalization:

SECTION 1. That section 2814 of the Revised Statutes of Ohio, as amended February 23, 1898 (93 O. L., 13), be amended so as to read as follows:

Proceedings.

Sec. 2814. The auditor shall lay before the board the returns made by the district assessors, with the additions which he shall have made thereto; and they shall then immediately proceed to equalize such valuation, so that each tract or lot shall be entered on the tax list at its true value, and for this purpose they shall observe the following rules:

Rules to govern their actions.

1st. They shall raise the valuation of such tracts and lots of real property as, in their opinion, have been returned below their true value to such price or sum as they may believe to be the true value thereof, agreeably to the rules prescribed by this title for the valuation thereof;

2nd. They shall reduce the valuation of such tracts and lots as, in their opinion, have been returned above their true value, as compared with the average valuation of the real property of such county, having due regard to their relative situation, quality of soil, improvement, natural and artificial advantages possessed by each tract or lot;

3rd. They shall not reduce the aggregate value of the real property of the county below the aggregate value thereof, as returned by the assessors, with the additions made thereto by the auditor, as hereinbefore required.

SECTION 2. That section 2814 of the Revised Statutes be supplemented by a supplemental section with sectional numbering as follows:

Shall sit as a board of revision.

Sec. 2814*a*. The decennial board of equalization shall sit as a board of revision, when notified by the auditor of the county to meet for that purpose, in which event it shall begin its session as a board of revision, on the first Monday of May following the completion of the decennial equalization, and shall close its session on or before the fourth Monday of September next following; except that the decennial city board shall begin its session on the first Monday of June, and shall close its session on or before the fourth Monday of January of the year next following. After the completion of the equalization by either board, complaints against any valuation may be filed with the auditor of the county, and, if any such complaint shall have been so filed on or before April 15th thereafter against any valuation of a decennial county board; or, on or before May 15th thereafter against any valuation of a decennial city board, or, if the auditor of the county deem it advisable, he shall, in writing, notify the members of the proper board of equalization to meet and sit as a board of revision on the day fixed by this act and at the place fixed for the meeting of the said boards respectively, and he shall give ten days' public notice, by advertisement, in one or more newspapers, of the time and place of the meeting of the board of revision and the purpose thereof. The board of revision shall investigate all such complaints and all complaints against any valuation filed with it as a board, or made by the county auditor, and may increase or decrease any valuation complained of and no others. Said board shall, in all respects, be governed by the laws in force governing the valuing of real property, and shall make no change in any valuation complained of except in accordance with such laws, and subject to the laws regulating and restricting the limit of equalization, but no valuation, as fixed by the board of equalization, shall be increased by the board of revision, in any case, except upon reasonable notice as prescribed by this chapter, to all persons directly interested and an opportunity for a full hearing. The auditor of the county shall correct the tax duplicate according to the deductions and additions ordered by the board of revision, in the manner provided by law for making corrections thereof.

Complaints against valuation.

SECTION 3. That section 2813 of the Revised Statutes be supplemented by a supplemental section with sectional numbering as follows:

Adjournment of board of equalization.

Sec. 2813*a*. The decennial county board of equalization shall complete its work of equalization, on or before the fourth Monday of February, and the decennial board for cities of the first and second class, on or before the second Monday of April, of the year next following the beginning of the equalization, respectively, and, on its

completion, each of said boards shall adjourn as a board of equalization, and the auditor shall immediately thereafter, give ten days' public notice by advertisement in one or more newspapers, that the equalization has been completed, and that complaints against any valuation may be filed with the auditor of the county on or before the fifteenth day of April next following and will be heard by the board of revision, stating in the notice the time and place of the meeting of said board, except that in cities of the first and second class such complaints shall be filed on or before the fifteenth day of May next following. Each member of the decennial county board, including the county auditor and the county surveyor, and each member of the annual county board of equalization shall be entitled to receive for each day necessarily employed in the performance of his duties, including his duties as a member of the board of revision, the sum of three dollars, except that, in counties having a city of the first or second grade of the first class, the compensation of each member of the decennial county boards, including the county auditor in his own proper person, and the county surveyor, for each day so necessarily employed, shall be five dollars; and the members of a decennial city board including the auditor of the county, except the members of a decennial city board of a city of the first or second grade of the first class, shall receive for each day so necessarily employed, the sum of five dollars. In all counties having a city of the first grade of the first class the decennial county board may employ all necessary clerks not exceeding five who shall receive for the time actually employed not exceeding five dollars per day, as may be fixed by said board or the board of revision. In all counties having a city of the second grade of the first class the decennial county board may employ all necessary clerks not exceeding five who shall receive for the time actually employed not exceeding three dollars per day as may be fixed by said board or the board of revision, and all salaries and compensation herein provided, for any county or city board, together with all expenses necessarily incurred in the performance of their respective duties, shall be paid out of the county treasury upon the allowance of said boards respectively, and the provisions of sections 1341, 1345 and 1346 of the Revised Statutes shall not apply to the compensation provided for by this act; provided, that in cities of the first grade of the first class, nothing contained in this act shall affect the power of the board of supervisors while acting as a decennial board of equalization or board of revision to fix the number and compensation of its employes as may be conferred by law, and provided that in cities of the second grade of the first class, nothing contained in this act shall affect the power of the board of review while acting as a decennial board of equalization or board of revision to fix the number and compensation of its employes as may be conferred by law.

Notice by auditor.

Compensation of members of boards.

Clerks in Hamilton and Cuyahoga counties.

SECTION 4. That section 2814 of the Revised Statutes as amended February 23, 1898, be and the same is hereby repealed and that this act shall take effect and be in force from and after its passage. Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 179G

[House Bill No. 951.]

AN ACT

Making appropriations to pay deficiencies and liabilities existing prior to February 15, 1900.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums be and are hereby appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to pay deficiencies and liabilities, as herein specified, existing prior to February 15, 1900, to wit: Appropriations to pay deficiencies and liabilities.

Adjutant-General.

New boilers	$11,000 00
Repairing coal room and coal bunkers	2,525 00
Repair of state arsenal	435 00
Extra labor	1,570 00
Repairing sewer, state arsenal	75 00
Oehm & Co., equipment naval reserves, 1897.	253 50
Drs. Stimson & Knauss, medical service H. Reynolds, member Ohio national guard, 1898	63 50

Ohio National Guard.

Uniforming and equipping	$100,000 00

Attorney-General.

Contingent expense	$1,800 00
G. C. Blankner, stenographer fees, Ohio vs. Pennsylvania and C., H. & D. Ry's	21 75
G. C. Blankner, stenographer fees, Ohio vs. Royal Insurance Co	22 68
A. C. Armstrong, stenographer fees, Ohio vs. Pennsylvania and C., H. & D. Ry's	65 50
G. A. Kaull, stenographer fees, Ohio vs. Standard Oil Co	107 20
Frank B. Dawson, stenographer fees, Streets Western Stable Car Co. vs. Ohio	14 75

Appropriations to pay deficiencies and liabilities.

Curtain & Stevens, stenographer fees, Ohio vs. Buckeye Pipe Line	$39 30
Bowers & Sands, attorneys, Ohio vs. Standard Oil Co	100 00
J. D. Miller, attorney, Ohio vs. Chas. H. Griftner	176 40
J. B. Allen, clerk of supreme court, costs in sundry cases	74 34
Bartlett & Wilson, attorneys, Ohio vs. Toledo, Fremont & Sandusky R. R.	450 00
Supreme court costs, Ohio vs. Toledo, Fremont & Sandusky R. R.	12 72
James Hunt, attorney, court costs	35 06
Clerk of courts, Butler county, costs Ohio vs. Geo. H. Sebald	180 92
Clerk of Butler county, costs, Ohio vs. Amanda J. Hutchinson	7 64
George H. Heffner, Ohio vs. sheriff Mercer county	132 00
David M. Glascock, notary fees, Ohio vs. Cleveland banks	43 00
David M. Clascock, notary fees and costs, Ohio vs. Cleveland & Sandusky brewing company	244 40
F. B. Dawson, stenographer fees, Ohio vs. Cleveland & Sandusky brewing company	153 00
G. A. Kaull, stenographer fees, Ohio vs. Cleveland & Sandusky brewing company	230 00
McMahon & White, constables costs, Ohio vs. Cleveland & Sandusky brewing company	209 90
Edward Dienst and Ellis B. Gregg, attorneys, canal case, Ohio vs. Charles Kilgour	300 00
Clerk of Shelby county, Ohio vs. Philip Smith	49 84

Auditor of State.

Collecting excise taxes	$915 98

Board of Public Works.

Repairing canal caused by floods	$12,000 00
Damage claim and costs (J. E. Swisher)	121 82
For damage to residents and costs caused by overflow of Mercer county reservoir as awarded	2,040 35

Bureau of Building and Loan Associations.

For typewriter	$115 00
Extra clerk	750 00

Bureau of Labor Statistics.

Contingent expense	$1,000 00

Appropriations to pay deficiencies and liabilities.

Commissioner of Common Schools.	
Expense school book commission.....	$250 00
Dairy and Food Commissioner.	
Inspection, analyses and publication.....	$5,000 00
Perry L. Hobbs, for analysis in 1896.....	210 00
Fish and Game Commission.	
Legal expenses	$750 00
Repairing fish pond.....	500 00
First national bank, Athens, rental.....	75 00
E. W. Frink, W. & L. R'y Co.....	19 60
N. Bartlett, L. S. & M. S. R'y Co.....	12 00
Wm. Harlow, special warden, Buckeye lake..	50 00
Della S. Welch, salary.....	20 00
L. H. Reutinger, salary.....	75 00
W. B. Lee, Waverly, rental of ponds.....	492 07
Geo. Morcher, superintendent, salary.....	75 00
Legislature.	
New carpet and repairs.....	$1,100 00
James B. Lewis, labor both houses.....	49 00
Joseph C. Kline, labor both houses.....	74 00
Geo. Riley, labor both houses.....	68 00
Ohio Furniture company, repairing furniture.	232 00
John Fischer, papering, etc., house clerk's office	31 50
Krauss, Butler & Benham, carpets, etc., house clerk's office	173 70
Adams Express company, expressage, house clerk's office	7 15
For services of senate employes after adjournment of seventy-third general assembly, as follows: A. A. Shetler, $70; Earl Scott, $25; C. B. Holland, $50; D. O. Castle, $50; A. B. Craft, $35; Mary P. Nye, $50; John J. Brady, $50; D. S. Fisher, $50; C. F. Stager, $35; Joseph Klunk, $35; Mrs. S. P. Thomas, $35; Thos. F. Murtaugh, $50; F. J. Barron, $50; J. B. Sunderland, $50; Raymond Kennedy, $35; Arthur Liggett, $25; Asa Toberan, $35; Chas. F. Conry, $35; Harry Wilson, $50.....	815 00
Ohio Penitentiary.	
C. C. James, ex-warden Ohio penitentiary, transferring federal prisoners.....	$102 65
Secretary of State.	
On account of error in 1899 appropriation bill:	
Statistical clerk	$150 00
Assistant statistical clerk	1,350 00

Appropriations to pay deficiencies and liabilities.

State Library.

Contingent expense and extra labor.....	$600 00

Supervisor of Public Printing.

Binding	$7,000 00

Athens State Hospital.

New boilers, etc.....	$6,000 00

Columbus State Hospital.

For improving sanitary condition.....	$10,000 00
Ordinary repairs and improvements.....	2,500 00
Salaries of officers and trustees' expenses....	404 74
Pennsylvania Railroad company, constructing side-tracks	1,898 67

Dayton State Hospital.

Ordinary repairs and improvements.....	$1,250 00
Ordinary repairs and improvements (unauthorized)	549 92

Massillon State Hospital.

Current expense	$9,000 00
For branch tunnel.....	3,000 00
Pipe fittings, etc.....	2,000 00
Window screens, etc.....	2,500 00
Furnishing buildings, superintendent's residence, three cottages, accommodations for two hundred patients.....	9,000 00
Current expense (unauthorized).....	2,568 82
Tunnel (unauthorized)	189 23
Pipe fittings, etc. (unauthorized).....	86 70
Electric fixtures (unauthorized).....	350 12
Furnishing buildings, superintendent's residence, three cottages, accommodations for two hundred patients (unauthorized.	1,129 87
Construction (unauthorized)	40,063 92

Toledo State Hospital.

Ordinary repairs and improvements.....	$5,000 00
New boiler plant.....	18,000 00
Reconstructing boiler house	4,300 00
Pipe covering	1,200 00

Boys' Industrial School.

New cottage on account of abandonment of Huron cottage, ordered by inspector of workshops and factories.....	$8,000 00
Completing steam plant.....	2,600 00

Appropriations to pay deficiencies and liabilities.

Institution for the Deaf and Dumb.

Extra excavation school building	$500 00
Footings and masonry	300 00
Stone walls	2,300 00
Extra excavation and masonry for terrace	300 00
Tunnel, steam pipes, etc	7,500 00
Boilers and stokers	5,000 00
Furnishing school building	4,000 00
Repairs and improvements	3,000 00
New tunnel	1,700 00

Institution for Feeble-Minded Youth.

Purchasing land for water privileges	$3,750 00

Ohio Soldiers' and Sailors' Home.

Michael Riley, extras on contract 1889 and 1890	$288 02

Ohio Soldiers' and Sailors' Orphans' Home.

Current expenses	$4,000 00

Miscellaneous.

J. K. Richards, attorney fees, Ohio vs. Columbus Manufacturing Co., convict labor contracts	$900 00
J. K. Richards, attorney fees, Ohio vs. A. G. Patton, convict labor contracts	300 00
Ohio commission to trans-Mississippi and international exposition	3,000 00
Gen. Geo. B. Wright, difference of pay of rank as quartermaster, as provided 58 O. L., 95, and 72 O. L., 240	4,526 14
Gen. B. R. Cowen, difference of pay of rank as adjutant-general, as provided 58 O. L., 95, and 72 O. L., 240	4,592 96
Mrs. Lillie Willis, accordance with house bill No. 18	1,000 00
John Lincoln, veteran bounty	100 00
George Hazel, refunding commission fee paid to the secretary of state	5 00
J. D. Carpenter, refunding commission fee paid to secretary of state	5 00
To reimburse Logan county for clothing accounts erroneously paid to Dayton and Toledo state hospitals for a non-resident insane patient	325 00
For John K. Sheets, trustee for L. D. Johnson and associates, for services as attorneys in defending the sheriff of Champaign county in the prosecution growing out of the lynching of a prisoner in said sheriff's custody	1,000 00

Appropriations to pay deficiencies and liabilities.

For Priscilla Tibbetts, widowed mother of Charles A. Tibbetts, deceased, late sergeant of Co. F, third regiment, O. N. G., to be paid in accordance with H. B. No. 125 ..... $900 00

For the relief of Mrs. Elizabeth A. Lieb, which shall be in full payment of all claims held by her against the state of Ohio 150 00

SECTION 2. The moneys herein appropriated to pay liabilities existing prior to February 15, 1900, which were not incurred in accordance with law, shall not be available until on or after July 15, 1900, and it shall be the duty of the auditor of state to see that these provisions are complied with.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 180G

[House Bill No. 904.]

AN ACT

To make appropriations for the last three-quarters of the fiscal year ending November 16, 1901, and the first quarter of the fiscal year ending February 15, 1902.

Be it enacted by the General Assembly of the State of Ohio:

General appropriations for 1901 and 1902.

SECTION 1. That the following sums, for the purposes herein specified, are appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, subject to draft on and after February 15, 1901, to wit:

Adjutant General's Department.

Salary of adjutant-general.....	$2,000 00
Salary of assistant adjutant-general.....	1,500 00
Salary of chief clerk.....	1,400 00
Salary of five clerks.....	6,000 00
Salary of superintendent of state arsenal.....	1,400 00
Salary of stenographer.....	720 00
Transportation indigent soldiers.....	250 00
Contingent expenses and inspections.....	3,000 00

State House and Grounds.

Salary of superintendent of laborers.....	$900 00
Salary of engineer.....	1,000 00

Salary of two firemen	$1,540 00	General appropriations for 1901 and 1902.
Salary of visitors' attendant	720 00	
Salary of janitor of flag room	720 00	
Salary of day policeman	720 00	
Salary of night policeman	800 00	
Salary of six regular laborers	3,600 00	
Salary of two elevator attendants	1,200 00	
Extra labor	2,000 00	
Flags for state house	100 00	
Fuel for state house	2,500 00	
Care and repair heating apparatus	1,000 00	
Material and repairs	1,000 00	
Water rent	967 00	
Electric light for state house and power for elevator	10,000 00	
For paving cellar state house	800 00	
Ohio National Guard.		
Pay of Ohio national guard	$45,000 00	
Transportation Ohio national guard	15,000 00	
Subsistence Ohio national guard	15,000 00	
Fuel, lumber, straw and medical supplies, Ohio national guard	4,000 00	
Incidental expenses military companies	16,000 00	
Uniforms, overcoats, blankets and equipments	5,000 00	
Horse hire	3,000 00	
Forage for horses	700 00	
Tents and repairs	500 00	
Care military stores and freight on arms	2,500 00	
Rent of armories	36,500 00	
Improvement state campground at Newark	1,500 00	
Agricultural Experiment Station.		
Expenses of board of control	$ 700 00	
Bulletin illustration	400 00	
Special work in entomology, botany, chemistry and horticulture	4,000 00	
Sub-stations for field experiment	2,000 00	
For investigation and prevention of tuberculosis, and other diseases in cattle, throughout the state of Ohio	3,000 00	
General repairs, labor and supplies	3,500 00	
Attorney-General.		
Salary of attorney-general	$1,500 00	
Salary of assistant attorney-general	1,500 00	
Fees on collections	1,500 00	
Salary of stenographer and stenographic work	1,200 00	
Salary of clerk	900 00	
Assistant counsel	9,000 00	
Books and furniture	125 00	
Contingent expenses	1,200 00	

General appropriations for 1901 and 1902.

Auditor of State.

Salary of auditor of state	$3,000 00
Salary of chief clerk	2,400 00
Salary of railroad and bank clerk	1,950 00
Salary of bookkeeper	1,950 00
Salary of land clerk	1,500 00
Salary of canal and trust fund clerk	1,400 00
Salary of statistician	1,350 00
Salary of corresponding clerk	800 00
Salary of two excise clerks	2,850 00
Transcribing land records	2,850 00
Contingent expenses	3,000 00
Collecting excise taxes	550 00
Carpets, furniture and repairs	150 00

State Archaeological and Historical Society.

Expenses of society	$2,500 00
Care of Fort Ancient	1,000 00
Field work and museum	1,000 00
Publications	1,200 00
Repair and care of serpent mound	200 00

State Board of Agriculture.

Encouragement of agriculture	$15,300 00

State Board of Appraisers and Assessors.

Salaries of members	$4,500 00
Contingent expenses	1,000 00

Board of Arbitration.

For per diem and expenses of members	$3,000 00

Board of State Charities.

Expenses of board	$5,000 00

Board of Health.

Expenses of board	$17,000 00

State Horticultural Society.

Expenses of society	1,000 00

Board of Pardons.

Salaries of members	$3,000 00
Salary of secretary	300 00
Expenses of board	800 00

Board of Public Works.

Salary of members	$ 2,400 00
Salary of two engineers	3,600 00
Salary of secretary	1,500 00

Salary of clerk	$700 00	General appropriations for 1901 and 1902.
Traveling expenses of members	1,800 00	
Contingent expenses	500 00	
For keeping in repair and improvement of Miami and Erie canal, all of its earnings and balances, and	12,000 00	
There is hereby appropriated the sum of fifty thousand ($50,000) dollars to be expended in permanent improvement on the Miami and Erie canal between the cities of Dayton and Cincinnati; provided that any work done under this appropriation must be let by contract to the lowest bidder, after the proper advertisements for bids on same	50,000 00	
For dredging the Miami and Erie canal between Dayton and Cincinnati	15,000 00	
For the northern division of Ohio canal and Walhonding canal, all of its earnings and balances, and	24,500 00	
For the southern division of Ohio canal, all of its earnings and balances, and	35,000 00	

Canal Commission.

Salaries of commissioners	$3,000 00
Expenses of commission	5,600 00

Dairy and Food Commissioner.

Salary of commissioner	$2,000 00
Salary of two assistant commissioners	2,000 00
Expense of commissioner	1,200 00
Expenses of two assistant commissioners	1,600 00
Salary of one clerk	1,200 00
Salary of two clerks	1,440 00
Inspection, analyses and publication	25,000 00
Attorney fees	15,000 00
Contingent expenses	900 00

Fish and Game Commission.

Expenses of commission	$12,000 00
Also all the fees collected under an act amending Sec. 6968-1, 6968-2, 6968-3 and 6968-4, entitled "An act for the further and better protection of fish and game," passed April 26, 1898; provided, however, that fifty (50%) per centum of the fees so collected shall be used for the purpose of propagating fish in the waters of Lake Erie, and fifty (50%) per centum of the fees so collected shall be used for the protection and preservation of fish in the waters of Lake Erie.	

General appropriations for 1901 and 1902.

Maintaining pheasantry	$3,000 00
Maintaining fish ponds	1,500 00
Legal expenses	750 00

Bureau of Labor Statistics.

Salary of commissioner	$2,000 00
Traveling expenses of commissioner	550 00
Salary of chief clerk	1,300 00
Salary of clerk	720 00
Salary of clerk	600 00
Salary of stenographer	720 00
Contingent expenses	8,500 00

Commissioners of Public Printing.

For printing paper	$35,000 00

Commissioners of Common Schools.

Salary of commissioner	$2,000 00
Salary of chief clerk	1,750 00
Salary of statistical clerk	1,500 00
Salary of stenographer	720 00
Traveling expenses of commissioner	750 00
Contingent expenses	1,000 00
Per diem and expenses of state board of examiners	750 00
School book commission	250 00
Boxing and shipping	300 00
For distribution of school laws	200 00

Commissioner of Railroads and Telegraphs.

Uses and purposes	$6,215 00

Provided, however, that said sum shall be deducted from the assessment of railroad companies for 1901 due and payable in the state treasury on or before August 1, 1901, pursuant to "An act to provide for annual reports of railroad companies to the commissionerof railroads and telegraphs and providing means for maintaining police supervision of said roads," passed April 19, 1894, and the auditor of state is hereby authorized and directed to make such deductions.

For the uses and purposes of the commissioner of railroads and telegraphs offices, $15,000.00 or so much thereof as may be paid into the state treasury pursuant to an act entitled "An act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs, and providing means for maintaining police supervision of said roads," passed April 19, 1894, and from the moneys herein appropriated the following salaries shall be paid:

Salary of commissioner	$3,000 00	General appropriations for 1901 and 1902.
Salary of chief clerk	2,400 00	
Salary of chief inspector	1,200 00	
Salary of statistician	1,200 00	
Salary of stenographer	1,200 00	
Salary of deputy inspector	1,200 00	

Executive Department.

Salary of governor	$8,000 00
Salary of lieutenant governor	800 00
Salary of private secretary	800 00
Salary of executive clerk	1,800 00
Salary of commission clerk	1,500 00
Salary of corresponding clerk	1,500 00
Contingent expenses	2,400 00

Inspector of Mines.

Salary of chief inspector	$2,000 00
Salary of seven district inspectors	8,400 00
Clerk hire	1,050 00
Salary of stenographer	600 00
Contingent expenses	5,500 00

Inspector of Workshops and Factories.

Salary of chief inspector	$2,000 00
Traveling expenses of chief inspector	500 00
Salary of eleven district inspectors	11,500 00
Traveling expenses of district inspectors	5,500 00
Salary of two bakeshop inspectors	2,000 00
Expenses traveling bakeshop inspectors	1,000 00
Additional salary high explosive inspector	800 00
Clerk hire	4,500 00
Contingent expenses	1,200 00
Office rent in Cleveland and Cincinnati	300 00

Judiciary.

Salaries of judges	$350,000 00

Prosecution and Transportation of Convicts.

For prosecution and transportation of convicts to Ohio penitentiary, reformatory and boys' industrial school	$140.000 00

Prosecution Ohio War Claims Against General Government.

Salary of agent	$1,500 00
Expenses of agent	600 00

Secretary of State.

Salary of secretary of state	$2,000 00
Salary of state supervisor of elections	1,000 00
Salary of chief clerk	2,400 00
Salary of statistical clerk	1,500 00

General appropriations for 1901 and 1902.

Salary of assistant statistical clerk	$1,350 00
Salary of stationery clerk	1,350 00
Salary of proof reading clerk	1,350 00
Salary of corporation clerk	1,350 00
Salary of assistant corporation clerk	1,350 00
Salary of recording clerk	1,350 00
Salary of superintendent of book room	1,000 00
Salary of stenographer	1,350 00
Contingent expenses	2,000 00
Distribution of books	3,000 00
Stationery	10,000 00

State Library.

Salary of librarian	$1,500 00
Salary of assistant librarian	1,200 00
Salary of stenographer	720 00
Salary of janitor	900 00
Books and papers	2,500 00
Contingent expenses and extra labor	1,800 00
For traveling library	5,000 00
For catalogueing	500 00
Expenses of commission	300 00

Legislature.

For salaries of members of general assembly, to be paid in one installment on or after February 16, 1901	$84,600 00
Expenses of legislative committees	1,000 00
For the clerks of the senate and house of representatives, twenty-five hundred ($2,500.00) dollars each, which may be paid to them in semi- monthly installments on vouchers drawn and properly receipted by each; and this amount shall be in lieu of all compensation or allowances provided for in sections 41 and 43 of the Revised Statutes	5,000 00
For the payment of the sergeant-at-arms of the house	500 00
For the paymentof the sergeant-at-arms of the senate	500 00
To be paid said sergeant-at-arms on approval of the auditor of state in four equal monthly installments, beginning January 31, 1901.	
Contingent expense of senate clerk	150 00
Contingent expense of house clerk	150 00
Contingent expense for care of both houses	2,000 00
For Frederick Blankner, third assistant sergeant-at-arms of the house, for taking charge of senate chamber, hall of the house and committee rooms during the year 1901, and for taking care of the bill	

books and other property of the members, as requested by them, sixteen hundred ($1,600) dollars, to be paid to him in semi-monthly installments on the warrant of the auditor of state. For an assistant for said Frederick Blankner, in the performance of the foregoing duties at the rate of two dollars per day, when by him necessarily employed, six hundred ($600.00) dollars, to be paid to said assistant on the warrant of the auditor of state, twenty-two [hundred] ($2,200.00) dollars.....	$2,200 00

Superintendent of Insurance.

Salary of superintendent.....	$2,000 00
Salary of deputy superintendent.....	1,800 00
Salary of examining clerk.....	1,500 00
Salary of bookkeeper.....	1,500 00
Salary of statistical clerk.....	1,500 00
Salary of corresponding clerk.....	1,200 00
Salary of license clerk.....	1,000 00
Salary of mailing clerk.....	1,000 00
Salaries of extra clerks.....	2,300 00
Salary of janitor.....	600 00
Salary of actuary.....	250 00
Contingent expenses.....	1,900 00

Bureau of Building and Loan Associations.

Salary of inspector.....	$1,000 00
Salary of deputy inspector.....	1,800 00
Salary of statistician.....	1,500 00
Salary of chief clerk.....	1,200 00
Salary of clerk.....	1,000 00
Salaries of extra clerks.....	1,400 00
Salary of mailing clerk.....	200 00
Salary of janitor.....	120 00
Contingent expenses.....	1,150 00

Supervisor of Public Printing.

State printing.....	$35.000 00
State binding.....	40,000 00
Salary of supervisor.....	2,000 00
Contingent expenses.....	250 00
Binding machinery.....	2,000 00

Supreme Court.

Salary of marshal, who shall perform the duties of librarian and catalogueing.....	$2,500 00
Salaries of two deputy marshals (one at $1,200 and one at $1,000).....	2,200 00
For bookkeeper and assistant librarian....	1,200 00
Salary of assistant law librarian.....	1,000 00

General appropriations for 1901 and 1902.

Salary of stenographer and stenographic work	$1,800 00
Salary of janitor	1,000 00
Salary of messenger	1,000 00
Salaries of two porters	1,200 00
Contingent expenses	1,500 00
Law books and legal publications	2,500 00

Clerk of Supreme Court.

Salary of clerk	$1,500 00
Salary of first deputy	1,450 00
Salary of second deputy	1,250 00
Salary of stenographer	1,000 00
Contingent expenses	700 00
Salary of janitor	200 00

Reporter of Supreme Court.

Salary of reporter	$1,500 00
Contingent expenses	1,000 00

Treasurer of State.

Salary of treasurer of state	$3,000 00
Salary of cashier	2,400 00
Salary of two bookkeepers	3,300 00
Salary of two night watchmen	1,800 00
Salary of corresponding clerk	720 00
Contingent expenses	1,500 00
Collecting auditor of state's drafts	2,800 00
File cases	2,000 00

Ohio Penitentiary.

Per diem of managers	$5,000 00
Current expenses	182,000 00
Salaries of officers	25,000 00
Salaries of guards	87,100 00
Furniture and carpets	1,000 00
Manufacture of gas, electricity and improvement of lights	13,500 00
Rewards to discharged convicts	24,000 00
Ordinary repairs and improvements	25,000 00
Religious services, and library	500 00
Expenses of execution	500 00
Sewerage and water-works	1,000 00

Ohio State Reformatory.

Salaries of managers	$3,000 00
Current expenses	55,000 00
Salaries of officers	23,000 00
Salaries of guards	27,000 00
Ordinary repairs and improvements	2,500 00
Furniture and carpets	200 00
Rewards outgoing prisoners	5,000 00

Religious services, and library	$300 00	General appropriations for 1901 and 1902.
For construction of two workshops	15,000 00	
For floor left wing new building	2,500 00	

Athens State Hospital.

Current expenses	$118,000 00
Salaries of officers and trustees' expenses	5,800 00
Ordinary repairs and improvements	15,000 00
Paving and grading roads	1,000 00
Furniture and carpets	2,500 00
Books and pictures	200 00
Ice plant and building	9,500 00

Cleveland State Hospital.

Current expenses	$152,000 00
Salaries of officers and trustees' expenses	6,600 00
Ordinary repairs and improvements	13,500 00
Books, pictures and surgical instruments	200 00
Carpets and furniture	2,000 00

Columbus State Hospital.

Current expenses	$196,000 00
Salaries of officers and trustees' expenses	7,700 00
Ordinary repairs and improvements, including sanitary repairs, farm fences and pavement	18,000 00
Sinking deep well for water supply	800 00
Books and instruments	300 00
Tile floor for dining room	1,500 00
Machinery for engineer	1,000 00
Repairs to steam heating plant	6,000 00
Fire protection	4,000 00
Laundry annex, dryer and mangle	6,000 00

Dayton State Hospital.

Current expenses	$110,000 00
Salaries of officers and trustees' expenses	6,000 00
Ordinary repairs and improvements	12,500 00
New veranda and windows in administration building	4,000 00
Beds, bedding, furniture, carpets and pictures	3,300 00
Vegetable green house	1,200 00
For painting	2,500 00

Longview State Hospital.

Current expenses, including salaries of officers and expenses of directors, ordinary repairs and improvements and furniture and carpets	$160,000 00

Massillon State Hospital.

Current expenses	$120,000 00
Salaries of officers and trustees' expenses	7,000 00

General appropriations for 1901 and 1902.

Ordinary repairs and improvements	$7,000 00
Tunnel, grading and cement walks	7,000 00
Pipe, pipe covering and electrical wiring and fixtures	9,500 00
Furnishing assembly hall and employes' quarters	5,000 00
Books, pictures and surgical instruments	300 00
Two cottages to accommodate 150 patients	50,000 00

Toledo State Hospital.

Current expenses	$186,000 00
Salaries of officers and trustees' expenses	7,800 00
Ordinary repairs and improvements	18,000 00
Carpets and furniture	2,000 00
Enlarging and remodeling cottages	10,000 00
Hospital building for females	45,000 00
Electric lighting plant	8,000 00
Enlarging and remodeling eight disturbed wards	8,000 00

Boys' Industrial School.

Current expenses	$68,000 00
Salaries of officers and teachers and trustees' expenses	35,000 00
Ordinary repairs and improvements	8,000 00
Rewards	800 00
Religious services, lectures and amusements	760 00
Furniture and carpets	400 00
Electric motors	1,300 00
Sanitary plumbing	1,000 00
Employes' quarters and additional shop facilities	11,000 00
Steam plant and fixtures	8,506 00

Girls' Industrial Home.

Current expenses	$20,000 00
Salaries of officers and teachers, and trustees' and lady board of visitors' expenses	18,400 00
Ordinary repairs and improvements, including construction of roads	8,500 00
Library and carpets	1,500 00
Religious services and amusements	550 00

Institution for the Blind.

Current expenses	$51,000 00
Salaries of officers and teachers, and trustees' expenses	15,200 00
Ordinary repairs and improvements	9,000 00
Oculist and oculist supplies	1,000 00
Carpets and furniture	1,000 00
Changing reception, superintendent's, steward's and trustees' rooms	3,000 00

For laundry and carpenter's room, including broom shop	$7,000	00
Green house	1,000	00
Piano and school supplies	1,500	00

Institution for the Education of the Deaf and Dumb.

Current expenses	$62,000	00
Salaries of officers and teachers, and trustees' expenses	37,200	00
Ordinary repairs and improvements	10,000	00
Furniture and carpets	600	00
Foremen, supplies and industrial pursuits	5,500	00
Lumber and nails for boxes	1,250	00
Plumbing and repairs of bath rooms and closets	2,500	00

Institution for Feeble-Minded Youth.

Current expenses	$175,000	00
Salaries of officers and teachers, and trustees' expenses	19,000	00
Ordinary repairs and improvements	18,000	00
Four custodial buildings, to accommodate 100 inmates each	120,000	00
Furniture and carpets	8,000	00
For barns, plant houses, water supply for buildings and garden irrigation, central boiler and power plant, fencing roads and walks	15,000	00
Hospital building and balance	15,000	00

Provided that the exceptions to the Ohio penitentiary in section 782, Revised Statutes of Ohio, shall be extended to the institution for feeble-minded youth.

Ohio Soldiers' and Sailors' Home.

Current expenses and clothing, balances, amount received from the general government, and	$70,000	00
Salaries of officers and trustees' expenses	8,000	00
Ordinary repairs and improvements	8,000	00
Beds, bedding, carpets and furniture	1,000	00
Scenery for stage, and painting walls assembly hall	500	00
One new cottage, and furnishing	12,500	00

Ohio Soldiers' and Sailors' Orphans' Home.

Current expenses	$125,000	00
Salaries of officers, matrons, teachers, trustees' and lady board of visitors' expenses	26,000	00
Ordinary repairs and improvements, including electrical supplies and laboratory	14,000	00
Industrial pursuits	8,000	00
Salaries of foremen and instructors	10,500	00

General appropriations, for 1901 and 1902.

Net earnings	$2,200 00
Religious services, amusements, library and pictures	600 00
Support of orphans outside	5,000 00

Ohio Hospital for Epileptics.

Current expenses	$116,000 00
Salaries of officers and teachers, and trustees' expenses	10,000 00
Ordinary repairs and improvements	11,400 00
Carpets and furniture	2,000 00
Sloyd system for manual training	300 00
For purchase of land	8,000 00
Administration building	50,000 00
Completing hospital	10,000 00
For one cottage, to accommodate 100 patients	30,000 00

Miscellaneous.

Expenses of "commission on fees of county officials"	$2,000 00
Pension of Mrs. J. P. Brush	96 00
Painting picture of Governor Nash	500 00
There is hereby appropriated the sum of three thousand five hundred ($3,500.00) dollars, the same to be expended as provided in an act passed April 12, 1889, entitled "An act to provide for the extension of the geological survey of the state"	3,500 00

Decennial State Board of Equalization.

For salaries and mileage of members and salaries of clerks and other employes	$39,000 00
Contingent expenses	1,000 00
For coöperation with the United States geological survey in the preparation and completion of a contour topographic survey and map of this state, to be paid upon vouchers approved by the governor, and the governor is hereby authorized to arrange with the director or representative of the United States geological survey concerning this survey and map, its scale, method of execution, form and all details of the work in behalf of this state, and may accept or reject the work executed by the United States geological survey, the sum of	25,000 00
And it is hereby provided that said map shall accurately show the outlines of all townships, counties and extensive wooded areas in this state as existing on the ground at the time of the execution of these surveys; the location of all roads,	

railroads, streams, canals, lakes and rivers; and shall show by contour lines the elevation and depression of the surface of the country; provided, further, that the state shall pay not to exceed one-half of the cost of survey as completed.

For heating, plumbing and ventilating state house $25,000 00

The state officers mentioned in section 783 of the Revised Statutes are hereby authorized and empowered to cause to be prepared plans for the heating, ventilation and plumbing of the old state house building, upon the latest improved modern system, and, for that purpose, may employ an architect and fix his compensation.

Upon the adoption of such plan by such state officers, they shall proceed to let the contract for the performance of the work, including the material therefor, of such heating, ventilation and plumbing, in accordance with such plan, and in the performance of such duty and such letting, they shall be governed, in so far as the same may be applicable, by the provisions of chapter 1, title 6, of part first of the Revised Statutes. And the architect so appointed by such officers shall superintend the performance of all contracts that may be let under the provisions of this act.

For the Ohio centennial and northwest territory exposition..... $250,000 00

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1901, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; no bills for carpets or furniture, or any expense for officers attending state, inter-state or national associations of benevolent institutions, shall be paid out of the appropriations made for current expenses of said institutions; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished or expenses incurred, and the date of purchase and the time of service, and it shall be the duty of the

General appropriations for 1901 and 1902.

auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state, shall be allowed from any amount hereby appropriated; and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 181G

[House Bill No. 35.]

AN ACT

To correct Title I of Part Third of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Revised Statutes of Ohio; part III:

SECTION 1. That the headings of Part Third, and of Title 1 of Part Third of the Revised Statutes of Ohio are so amended as to read as follows:

PART THIRD.

CIVIL PROCEDURE.

Title I. Procedure in the common pleas courts, and in circuit courts on appeal.

Title II. Procedure in the probate courts; and herein of wills, executors, administrators, trustees, guardians, and assignees.

Title III. Procedure in the justices's courts.

Title IV. Procedure in the supreme court, circuit courts, and common pleas courts, as courts of error; and herein of mandamus and quo warranto.

TITLE I.

Procedure in the common pleas courts, and in circuit courts on appeal.

Division I. General and preliminary provisions.

Division II. Civil actions.

Division III. Trials.

Division IV. Judgment.

Division V. Enforcement of judgment.

Division VI. Provisional remedies.

Division VII. Special proceedings.

SECTION 2. That the headings of Division II of Title I, of Part Third of the Revised Statutes of Ohio, are so amended as to read as follows:

DIVISION II. CIVIL ACTIONS.

Chapter 1. Form of action.
Chapter 2. Time of commencing actions.
Chapter 3. Parties to actions.
Chapter 4. Where action to be brought.
Chapter 5. Commencement of actions, service, etc.
Chapter 6. Pleadings.

SECTION 3. That sections 4972, 5019 to 5079, both inclusive, of the Revised Statutes of Ohio, are so amended as to read as follows:

Parties, how designated.

Sec. 4972. In every civil action the party complaining shall be known as the plaintiff, and the adverse party as the defendant; and the title of a cause shall not be changed in any of its stages, except when the defendant prosecutes error. [51 v. 57, §§ 4, 116.]

CHAPTER 4.

WHERE ACTION TO BE BROUGHT.

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5019 When to be brought where property situated.
5020 When may be brought where part of the property situated.
5021 In actions for specific performance.
5022 Where the cause of action arose.
5023 Against domestic corporations.
5024 Against railroad and stage companies.
5025 Against turnpike companies.
5026 When this chapter does not apply.
5027 Further provisions as to non-residents.
5028 General rule as to other actions; exception as to executors, etc.
5029 Change of venue.
5030 Change of venue in suit by or against a corporation.
5031 Privilege of members and officers of the general assembly.

When to be brought where property situated.

Sec. 5019. Actions for the following causes must be brought in the county in which the subject of the action is situated, except as provided in the next two sections:

1. For the recovery of real property, or of an estate or interest therein.

2. For the partition of real property.

3. For the sale of real property under a mortgage, lien, or other incumbrance or charge. [51 v. 57, § 45.]

When may be brought where part of the property situated.

Sec. 5020. When the property is situated in more than one county, the action may be brought in either; but in actions to recover real property, this can only be done when the property is an entire tract. [51 v. 57, § 46.]

In actions for specific performance.

Sec. 5021. An action to compel the specific performance of a contract of sale of real estate may be brought in the county where the defendants, or any of them, reside. [51 v. 57, § 46.]

When to be brought where cause of action arose.

Sec. 5022. Actions for the following causes must be brought in the county where the cause of action, or some part thereof, arose:

1. For the recovery of a fine, forfeiture, or penalty imposed by a statute, except that, when it is imposed for an offense committed on a river, or other watercourse, or a road, which is the boundary of the state, or of two or more counties, the action may be brought in any county bordering on such river, watercourse, or road, and opposite to the place where the offense was committed.

2. Against a public officer, for an act done by him in virtue or under color of his office, or for a neglect of his official duty.

3. On the official bond or undertaking of a public officer. [51 v. 57, § 47.]

Action against corporations other than those mentioned in sections 5019 to 5023; where to bring.

Sec. 5023. An action other than one of those mentioned in the four preceding sections, against a corporation created under the laws of this state, may be brought in the county in which such corporation is situated, or has or had its principal office or place of business, or in which such corporation has an office or agent, or in any county in which a summons may be served upon the president, chairman or president of the board of directors or trustees or other chief officer; but if such corporation is an insurance company, the action may be brought in the county wherein the cause of action, or some part thereof, arose; and if such corporation be organized for the purpose of mining, either exclusively or in connection with other business, the action may be brought in any county where such corporation owns or operates a mine, and the cause of action, or some part thereof, arose. [74 v. 29, § 48; 93 v. 125, § 1.]

Insurance company.

Mining company.

Against railroad and stage coaches.

Sec. 5024. An action against the owner or lessee of a line of mail stages, or other coaches, for an injury to person or property upon the road or line, or upon a liability as carrier, and an action against a railroad company, may be brought in any county through or into which such road or line passes. [63 v. 87, § 49.]

Against turnpike companies.

Sec. 5025. An action other than one of those mentioned in the first four sections of this chapter, against a turnpike road company, may be brought in any county in which any part of the road lies. [51 v. 57, § 50.]

When this chapter does not apply.

Sec. 5026. When the charter of a corporation created under the laws of this state prescribes the place where suit must be brought, that provision shall govern. [51 v. 57, § 51.]

Further provisions as to non-residents.

Sec. 5027. An action other than one of those mentioned in the first four sections of this chapter, against a non-resident of this state, or a foreign corporation, may be brought in any county in which there is property of, or debts owing to, the defendant, or where such defendant is found; but if the defendant is a foreign insurance company, the action may be brought in a county where the cause of action, or some part thereof, arose. [51 v. 57, § 52.]

General rule as to other actions.

Sec. 5028. Every other action must be brought in the county in which a defendant resides or may be summoned, except actions against an executor, administrator, guardian, or trustee, which may be brought in the county wherein he was appointed or resides, in which cases summons may issue to any county. [70 v. 138, § 53.]

Change of venue.

Sec. 5029. When it appears to the court that a fair and impartial trial cannot be had in the county where the suit is pending, the court may change the place of trial to some adjoining county; and if the application is made in the superior court, the change shall be made to another superior court, or to the common pleas court of an adjoining county. [51 v. 57, § 54; 54 v. 10, § 1.]

Change of venue in suit by or against a corporation.

Sec. 5030. When a corporation having more than fifty stockholders is a party in an action pending in a county in which the corporation keeps its principal office, or transacts its principal business, if the opposite party make affidavit that he cannot, as he believes, have a fair and impartial trial in that county, and his application is sustained by the several affidavits of five credible persons residing in such county, the court shall change the venue to the adjoining county most convenient for both parties. [50 v. 100, § 1.]

Privilege of members and officers of the general assembly.

Sec. 5031. A member of the senate or house of representatives, or an officer of either branch of the general assembly, shall be privileged from answering to any suit which may be instituted against him in a county other than the one in which he resides, upon a cause of action which accrued ten days before the first day of the session of the general assembly of which he is an officer or a member; and all proceedings in actions to which any such person is a party shall be stayed during such session, and during the time necessarily employed in going thereto and returning therefrom. [29 v. 341, § 2; 59 v. 6, § 1.]

CHAPTER 5.

COMMENCEMENT OF ACTIONS, SERVICE, ETC.

SUBDIVISION I. ACTUAL SERVICE.

SUBDIVISION II. CONSTRUCTIVE SERVICE.

SUBDIVISION I.

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5033	Precipe.	5040	What equivalent to service.
5034	Requisites of summons.	5041	How served upon corporation.
5035	When summons may issue to other county.	5042	On insurance company.
5036	When summons returnable.	5043	On foreign corporation.
5037	Alias writs may issue.	5044	Infants, how served.
5038	Who may serve summons.		

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5045	When service by publication may be made.	5050	Service upon unknown heirs, etc.
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5048	When service complete, and how proved.	5053	Lis pendens as to suits in other counties.
5049	Personal service out of the state.		

SUBDIVISION I. ACTUAL SERVICE.

Summons to issue on petition.

Sec. 5032. A civil action must be commenced by filing in the office of the clerk of the proper court a petition, and causing a summons to be issued thereon. [51 v. 57, § 55.]

Precipe.

Sec. 5033. The plaintiff shall also file with the clerk of the court a precipe, stating therein the names of the parties of the action, and demanding that a summons issue. [51 v. 57, § 56.]

Requisites of summons.

Sec. 5034. The summons shall be issued and signed by the clerk, and be under the seal of the court from which it is issued; its style shall be "The state of Ohio,———— county," and it shall be dated the day it is issued; it shall be directed to the sheriff of the county, who shall be commanded therein to notify the defendant that he has been sued, and must answer at a time stated therein, or the petition will be taken as true, and judgment rendered accordingly; when the action is for the recovery of money only, there shall be indorsed on the writ the amount to be stated in the precipe, for which, with interest, judgment will be taken if the defendant fail to answer; and if the defendant fail to appear, judgment shall not be rendered for a larger amount, and the costs. [51 v. 57, § 57.]

When summons may issue to another county.

Sec. 5035. When the action is rightly brought in any county, according to the provision of the preceding chapter, a summons may be issued to any other county, against one or more of the defendants, at the plaintiff's request; but no maker or acceptor, or, if the bill is not accepted, no drawer, of an instrument for the payment of money only, shall be held liable in an action thereon, except on a warrant of attorney, in any county other than the one in which he, or one of the joint makers, acceptors, or drawers, resides or is summoned. [68 v. 77, § 58.]

When summons returnable.

Sec. 5036. When the time for bringing parties into court is not fixed by statute, the summons shall be returnable on the second Monday after its date; but when it is issued to any other county, it may be made returnable, at the option of the party having it issued, on the third or fourth Monday after its date; and the day of the month on which it is returnable shall be stated therein. [51 v. 57, § 59.]

Alias writs may issue.

Sec. 5037. When a writ is returned "not summoned," other writs may be issued, until the defendant is summoned; and when defendants reside in different counties writs may be issued to such counties at the same time. [51 v. 57, § 60.]

Who may serve summons.

Sec. 5038. The summons shall be served by the officer to whom it is directed, who shall indorse on the original writ the time and manner of service, or it may be served by any person not a party to the action, appointed by such officer; but the authority of such person shall be indorsed on the writ; and when the writ is served by a person appointed by the officer to whom it is directed, or when the service is made out of the state, the return shall be verified by oath. [51 v. 57, § 61.]

Manner of service and return.

Sec. 5039. The service shall be made by delivering, at any time before the return day, a copy of the summons, with the indorsements thereon, to the defendant personally, or by leaving a copy at his usual place of residence, or, if the defendant is a partnership sued by its company name, by leaving a copy at its usual place of doing business, or with any member of such partnership; and the return must be made at the time mentioned in the writ, and the time and manner of service shall be stated on the writ. [51 v. 57, §§ 62, 63, 64; 76 v. 15, § 1; See § 5534.]

What equivalent to service.

Sec. 5040. An acknowledgment on the back of the summons or petition, by the party sued, or the voluntary appearance of a defendant, is equivalent to service. [51 v. 57, § 65.]

How served upon corporation.

Sec. 5041. A summons against a corporation may be served upon the president, mayor, chairman or president of the board of directors or trustees, or other chief officer; or, if its chief officer be not found in the county, upon its cashier, treasurer, secretary, clerk, or managing agent; or, if none of the aforesaid officers can be found, by a copy left at the office or usual place of business of such corporation, with the person having charge thereof; and if such corporation is a railroad company, whether foreign or created under the laws of this state, and whether the charter thereof prescribes the manner and place, or either, of service of process thereon, the summons may be served upon any regular ticket or freight agent thereof; or, if there is no such agent, then upon any conductor, in any county in this state, in which such railroad is located, or through which it passes; but if the defendant is an incorporated river transportation company, whether organized under the laws of this or another state, the service of a summons may be upon the master, or other chief officer, of any of its steamboats or other craft, or upon any of its authorized ticket or freight agents, at any port where it transacts business. [65 v. 116, § 66; 76 v. 145, § 10.]

How served upon an insurance company.

Sec. 5042. When the defendant is an insurance company, and the action is brought in a county in which there

is an agency thereof, the service may be upon the chief officer of such agency. [51 v. 57, § 67.]

On foreign corporation.

Sec. 5043. When the defendant is a foreign corporation, having a managing agent in this state, the service may be upon such agent. [51 v. 57, § 68.]

Infants, how served.

Sec. 5044. When the defendant is under the age of fourteen years, the service must be upon him, and also upon his guardian, or his father; or, if neither his guardian nor his father can be found, then upon his mother, or the person having the care of such infant, or with whom he lives; if neither of these can be found, or if the defendant is a minor over fourteen years of age, service upon the defendant alone shall be sufficient; and the manner of service shall be the same as in the case of adults. [51 v. 57, § 69.]

SUBDIVISION II. CONSTRUCTIVE SERVICE.

When service by publication may be made.

Sec. 5045. Service may be had by publication in either of the following cases:

1. In actions under the first three sections of the last chapter, when the defendant resides out of the state, or his place of residence cannot be ascertained.

2. In actions to establish or set aside a will, and in actions authorized by section six thousand two hundred and two, when a defendant resides out of the state, or his place of residence cannot be ascertained.

3. In actions in which it is sought by a provisional remedy to take, or appropriate in any way, the property of the defendant, when the defendant is a foreign corporation, or a non-resident of this state, or the defendant's place of residence cannot be ascertained.

4. In actions against a corporation organized under the laws of this state, which has failed to elect officers, or to appoint an agent, upon whom service of summons can be made as provided by section five thousand and forty-one, and which has no place of doing business in this state.

5. In actions which relate to or the subject of which is real or personal property in this state, when a defendant has or claims a lien thereon, or an actual or contingent interest therein, or the relief demanded consists wholly or partly in excluding him from any interest therein, and such defendant is a non-resident of the state, or a foreign corporation, or his place of residence cannot be ascertained.

6. In actions against executors, administrators, or guardians, when the defendant has given bond as such in this state, but at the time of the commencement of the action is a non-resident of the state, or his place of residence cannot be ascertained.

7. In actions where the defendant, being a resident of this state, has departed from the county of his residence, with intent to delay or defraud his creditors, or to avoid the service of summons, or keeps himself concealed with like intent.

8. When a defendant in a petition in error has no attorney of record in this state, and is a non-resident of and absent from the same, or has left the same to avoid the service of summons in error, or so conceals himself that such process cannot be served upon him.

9. In an action or proceeding under chapter six, division four, of this title, or to impeach a judgment or order for fraud, or to obtain an order of satisfaction thereof, when a defendant is a non-resident of the state.

When, in any such case, the residence of a defendant is known, it must be stated in the publication; and immediately after the first publication, the party making the service shall deliver to the clerk copies of the publication, with the proper postage, and the clerk shall mail a copy to each defendant, directed to his residence named therein, and make an entry thereof on the appearance docket; and in all other cases, the party who makes the service, his agent or attorney, shall before the hearing, make and file an affidavit that the residence of the defendant is unknown, and cannot with reasonable diligence, be ascertained. [65 v. 208, § 1; 74 v. 151, § 70; 87 v. 225, § 1.]

Affidavit necessary.

Sec. 5046. Before service by publication can be made, an affidavit must be filed that service of summons cannot be made within this state on the defendant to be served by publication, and that the case is one of those mentioned in the preceding section; and when such affidavit is filed, the party may proceed to make service by publication. [51 v. 57, § 71.]

How publication to be made.

Sec. 5047. The publication must be made for six consecutive weeks, in a newspaper printed in the county where the petition is filed; or, if there is no newspaper printed in the county, then in a newspaper printed in this state, and of general circulation in such county; if it be made in a daily newspaper, one insertion a week shall be sufficient; and it must contain a summary statement of the object and prayer of the petition, mention the court wherein it is filed, and notify the person or persons thus to be served when they are required to answer. [51v. 57, § 72; 62 v. 66, § 1.]

When service complete, and how proved.

Sec. 5048. Service by publication shall be deemed complete at the date of the last publication, when made in the manner and for the time prescribed in the preceding sections; and such service shall be proved by affidavit. [51 v. 57, § 73.]

Personal service out of the state.

Sec. 5049. When service may be made by publication, personal service of a copy of the summons and petition may be made out of the state; and such service shall be proved by affidavit. [51 v. 57, § 74.]

Proceedings when heir or devisee is unknown.

Sec. 5050. When an heir or a devisee of a deceased person is a necessary party, and it appears by affidavit that his name and residence are unknown to the plaintiff, proceedings against him may be had without naming him;

and the court, or a judge thereof, shall make an order respecting the publication of notice, but the order shall require not less than six weeks' publication. [51 v. 57, § 76.]

Proceedure when defendant not all served.

Sec. 5051. When service has been made on one or more defendants, but not on all, the plaintiff may proceed as follows:

1. If the action is against defendants jointly indebted upon contract, he may proceed against the defendants served, unless the court otherwise direct.

2. If the action is against defendants severally liable, he may, without prejudice to his rights against those not served, proceed against the defendants served. [51 v. 57, § 77.]

Lis pendens in general.

Sec. 5052. When the summons has been served or the publication made, the action is pending so as to charge third persons with notice of its pendency; and while pending, no interest can be acquired by third persons in the subject of the action, as against the plaintiff's title. [51 v. 57, § 78.]

Lis pendens as to suits in other counties.

Sec. 5053. When any part of real property, the subject matter of an action, is situated in any county or counties other than the one in which the action is brought, a certified copy of the judgment in such action must be recorded in the recorder's office of such other county or counties, before it shall operate therein as notice so as to charge third persons, as provided in the preceding section; but it shall operate as such notice, without record, in the county where it is rendered; but this section shall not apply to actions or proceedings under any statute which does not require such record. [51 v. 57, § 79.]

CHAPTER 6.

PLEADINGS.

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SUBDIVISION IV. Answer.
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SUBDIVISION I. PLEADING IN GENERAL.

What forms and rules to govern.

Sec. 5054. The forms of pleading in civil actions in courts of record, and the rules by which their sufficiency shall be determined, are those prescribed in this chapter. [51 v. 57, § 83.]

What pleadings are allowed.

Sec. 5055. The only pleadings allowed are:

1. Petition.
2. Demurrer to petition.
3. Answer; which when affirmative relief is demanded therein, may be styled cross-petition.
4. Demurrer to answer.
5. Reply
6. Demurrer to reply. [54 v. 91, §§ 84, 101.]

What every pleading must contain.

Sec. 5056. Every pleading must contain the name of the court and the county in which the action is brought,

and the names of the parties, followed by the name of the pleading. [51 v. 57, § 85.]

[SUBDIVISION II. PETITION.]

What the petition must contain.

Sec. 5057. The first pleading shall be the petition by the plaintiff, which must contain:

1. A statement of the facts constituting the cause of action, in ordinary and concise language.

2. A demand for the relief to which the plaintiff supposes himself entitled. If the recovery of money is demanded, the amount shall be stated; and if interest is claimed, the time for which interest is to be computed shall also be stated. [51 v. 57, § 85.]

What causes of action may be joined.

Sec. 5058. The plaintiff may unite several causes of action in the same petition, whether they are such as have heretofore been denominated legal or equitable, or both, when they are included in either of the following classes:

1. The same transaction.

2. Transactions connected with the same subject of action.

3. Contracts, express or implied.

4. Injuries to person and property, or to either.

5. Injuries to character.

6. Claims to recover the possession of personal property, with or without damages for the withholding thereof.

7. Claims to recover real property, with or without damages for the withholding thereof, the rents and profits of the same, and the partition thereof.

8. Claims to foreclose a mortgage given to secure the payment of money or to enforce a specific lien for money, and to recover a personal judgment for the debt secured by such mortgage or lien.

9. Claims against a trustee, by virtue of a contract, or by operation of law. [51 v. 57, § 80; 61 v. 9, § 1.]

Must affect all the parties.

Sec. 5059. The causes of action so united must not require different places of trial, and, except as otherwise provided, must affect all the parties to the action. [51 v. 57, § 81.]

Each cause of action to be numbered.

Sec. 5060. When the petition contains more than one cause of action, they shall be separately stated and consecutively numbered. [51 v. 57, § 86.]

SUBDIVISION III. DEMURRER TO PETITION.

Causes of demurrer to petition.

Sec. 5061. The defendant may demur to the petition only when it appears on its face either:

1. That the court has not jurisdiction of the person of the defendant.

2. That the court has no jurisdiction of the subject of the action.

3. That the plaintiff has not legal capacity to sue.

4. That there is another action pending between the same parties for the same cause.

5. That there is a misjoinder of parties plaintiff or defendant.

6. That there is a defect of parties plaintiff or defendant.

7. That several causes of action are improperly joined.

8. That separate causes of action against several defendants are improperly joined.

9. That the action was not brought within the time limited for the commencement of such actions.

10. That the petition does not state facts sufficient to constitute a cause of action. [51 v. 57, § 87.]

When demurrer must be specific.

Sec. 5062. The demurrer shall specify the grounds of objection to the petition; and unless it does so, it shall be regarded as objecting only that the court has no jurisdiction of the subject of the action, or that the petition does not state facts sufficient to constitute a cause of action. [51 v. 57, § 88.]

Objection may be taken by answer; when waived.

Sec. 5063. When any of the grounds of demurrer to the petition do not appear on its face, the objection may be taken by answer; and if no objection be taken either by demurrer or answer, the defendant shall be deemed to have waived the same, except only the objections that the court has no jurisdiction of the subject of the action, and that the petition does not state facts sufficient to constitute a cause of action. [51 v. 57, § 89.]

Procedure when causes of action are misjoined.

Sec. 5064. When a demurrer is sustained on the ground of misjoinder of several causes of action, the court, on motion of the plaintiff, shall allow him, with or without costs, in its discretion, to file several petitions, each including such of the causes of action as might have been joined; and an action shall be docketed for each of the petitions, and the same shall be proceeded in without further service. [51 v. 57, § 90.]

Defendant may demur to part, and answer part.

Sec. 5065. The defendant may demur to one or more of the several causes of action stated in the petition, and answer as to the residue. [51 v. 57, § 91.]

SUBDIVISION IV. ANSWER.

What the answer must contain.

Sec. 5066. The answer shall contain:

1. A general or specific denial of each material allegation of the petition controverted by the defendant.

2. A statement of any new matter constituting a defense, counter-claim or set-off, in ordinary and concise language.

3. When a defendant seeks affirmative relief therein, a demand for the relief to which he supposes himself entitled. [51 v. 57, § 92.]

May contain different defenses, counter-claims and set-offs.

Sec. 5067. The defendant may set forth in his answer as many grounds of defense, counter-claim and set-off as he may have, whether they are such as have been heretofore denominated legal or equitable, or both; but the several defenses must be consistent with each other, and each must refer in an intelligible manner to the cause of action which it is intended to answer. [51 v. 57, § 93.]

Several defenses must be separately stated and numbered.

Sec. 5068. When the answer contains more than one defense, counter-claim or set-off, they must be separately stated and consecutively numbered. [51 v. 57, § 93.]

What a counter-claim.

Sec. 5069. A counter-claim is a cause of action existing in favor of a defendant, and against a plaintiff or another defendant, or both, between whom a several judgment might be had in the action, and arising out of the contract or transaction set forth in the petition as the foundation of the plaintiff's claim, or connected with the subject of the action. [51 v. 57, § 94.]

New party to be made, if necessary.

Sec. 5070. When it appears that a new party is necessary to a final decision on a counter-claim, the court may either permit the new party to be made by a summons to answer the counter-claim, or may direct the counter-claim to be stricken from the answer, and made the subject of a separate action. [51 v. 57, § 96.]

What is a set-off and when it can be pleaded.

Sec. 5071. A set-off is a cause of action existing in favor of a defendant, and against a plaintiff, between whom a several judgment might be had in the action, and arising on contract or ascertained by the decision of a court, and can only be pleaded in an action founded on contract. [51 v. 57, § 97.]

New party to be made if necessary, to decision of set-off.

Sec. 5072. When it appears that a new party is necessary to a final decision on a set-off, the court shall permit the new party to be made by a summons to answer the set-off, if, owing to the insolvency or non-residence of the plaintiff, or other cause, the defendant will be in danger of losing his claim, unless permitted to use it as a set-off. [51 v. 57, § 98.]

When cross-demands are to be deemed compensated.

Sec. 5073. When cross-demands have existed between persons, under such circumstances that if one had brought an action against the other a counter-claim or set-off could have been set up, neither can be deprived of the benefit thereof by assignment by the other, or by his death, but the two demands must be deemed compensated, so far as they equal each other. [51 v. 57, § 99.]

Answer of guardian and attorney; what to contain.

Sec. 5074. The answer of the guardian of an infant, or of a person of unsound mind, or of an attorney for a person in prison, shall deny all the material allegations of the petition prejudicial to such defendant. [51 v. 57, § 100.]

SUBDIVISION V. DEMURRER TO ANSWER.

Plaintiff may demur to answer generally.

Sec. 5075. The plaintiff may demur to a counter-claim, set-off, or defense consisting of new matter, on the ground that it is insufficient in law, on its face. [75 v. 620, § 12.]

Causes of demurrer to answer demanding relief.

Sec. 5076. The plaintiff may also demur to a counter-claim or set-off, upon which the defendant demands affirmative relief, when it appears on its face either:

1. That the court has no jurisdiction of the subject thereof.

2. That the defendant has not legal capacity to recover upon the same.

3. That there is another action pending between the same parties for the same cause.

4. That the facts stated do not constitute a counter-claim. [See § 5069.]

5. That the facts stated do not constitute a set-off. [See § 5071.]

6. That the counter-claim or set-off does not state facts sufficient to entitle the defendant to the relief demanded. [75 v. 620, § 13.]

May demur to part, and answer to part.

Sec. 5077. The plaintiff may demur to one or more of several counter-claims, set-offs, or defenses consisting of new matter, and reply as to the residue.

SUBDIVISION VI. REPLY.

Reply; when to be filed and what to contain.

Sec. 5078. When the answer contains new matter, the plaintiff may reply to such new matter, denying generally or specifically each allegation controverted by him; and he may also allege, in ordinary and concise language, any new matter, not inconsistent with the petition, constituting an answer to such new matter in the answer. [51 v. 57, § 101.]

SUBDIVISION VII. DEMURRER TO REPLY.

Defendant may demur to reply.

Sec. 5079. The defendant may demur to the reply, or to a separate traverse or avoidance therein, of a defense, counter-claim or set-off, on the ground that it is insufficient in law, on its face. [75 v. 620, § 11.]

SECTION 4. That the headings of subdivision VI, subdivision VII, and subdivision VIII, of chapter 6 of division II of this title are respectively amended so as to read: "Subdivision VIII, General Rules;" "Subdivision IX, Mistakes and Amendments;" "Subdivision X, Motions."

SECTION 5. That sections 5097, 5316, 5348, and 5534 of the Revised Statutes of Ohio, are so amended as to read as follows:

Rule day for pleadings.

Sec. 5097. The answer or demurrer to the petition shall be filed on or before the third Saturday, the reply or demurrer to the answer, on or before the fifth Saturday, and the demurrer to the reply, on or before the seventh Saturday, after the return day of the summons or service by publication; and the answer or demurrer of a defendant to an answer demanding affirmative relief, shall be filed on or before the third Saturday, the reply or demurrer thereto on or before the fifth Saturday, and the demurrer

to the reply, on or before the seventh Saturday, after such an answer is filed. [51 v. 57, § 103.]

Encumbered property to be sold.

Sec. 5316. When a mortgage is foreclosed or a specific lien enforced, a sale of the property shall be ordered; and when the real property to be sold is in one or more tracts, the court may order that the officer who makes the sale shall sub-divide, appraise, and sell the same in parcels, or sell any one of the tracts as a whole. [64 v. 114, § 374; 76 v. 27, § 7.]

When defendant to pay costs.

Sec. 5348. When it is not otherwise provided by statute, costs shall be allowed, of course, to the plaintiff upon a judgment in his favor in actions for the recovery of money only or for the recovery of specific real or personal property; but if a defendant omit to set up a counter-claim or set-off, he cannot recover costs against the plaintiff in any subsequent action thereon, but this provision shall not apply to a counter-claim or set-off which was stricken out of or withdrawn from the answer as provided in sections five thousand and seventy and five thousand and eighty-nine. [51 v. 57, §§ 95, 551.]

How garnishee served.

Sec. 5534. If the garnishee is a person, the copy of the order and notice shall be served upon him personally or be left at his usual place of residence; if a partnership garnisheed by its company name, they shall be left at its usual place of doing business, or with any member of such partnership; and if a corporation, they shall be left with the president or other principal officer, or the secretary, cashier or managing agent thereof; and if such corporation is a railroad company, they may be left with any regular ticket or freight agent thereof, in any county in which the railroad is located. [See § 5039.]

Repeals.

SECTION 6. That sections 4972, 5019 to 5079, both inclusive, 5097, 5316, 5348, and 5534 of the Revised Statutes of Ohio, and all acts amendatory of or supplementary to such sections are repealed.

SECTION 7. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 182G.

[House Bill No. 258.]

AN ACT

To amend sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of an act passed March 13, 1896, authorizing the improvement of public roads of townships.

Be it enacted by the General Assembly of the State of Ohio:

Township roads:

SECTION 1. That sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of an act passed March 13, 1896, authorizing the improvement of public roads of townships, be amended so as to read as follows:

Submission of road and street improvement question to electors of township therein.

Sec. 1. The trustees of any township in this state shall, when the petition of one hundred or more of the taxpayers of such township is presented to them praying for the improvement of the public roads within such township and including any road running into or through any village or city of the second class, fourth grade, submit the question of the improvement of said roads to the qualified electors of such township at the next general election held after the presentation of such petition.

Form of proposition and ballot.

Sec. 2. The qualified electors of such township shall at said election have submitted the policy of the improvement of its public roads by general taxation. Those voting in favor of such proposition shall have on their ballot, "Road improvement by general taxation—Yes;" and those opposed, "Road improvement by general taxation—No."

Notice of election.

The township trustees shall cause notice of said election to be published in two newspapers in general circulation if such are printed in said township for at least ten days, and shall also cause handbills, announcing the same, to be posted at the usual places of holding elections, at each precinct in such township at least ten days previous to such election.

Appointment, duties and compensation of judges and clerks; conduct and returns of election.

Sec. 3. The trustees of such township shall appoint three judges and two clerks for each precinct therein, who shall conduct such election in like manner as is by law provided for holding other elections, and who shall within three days thereafter return to the clerk of said township a full and correct abstract of the votes cast at such election, and shall be governed in all respects by the laws regulating general elections, and shall receive the same compensation as judges and clerks of other elections, which shall be paid out of the township funds, under the order of the township clerk. The poll-book and abstract so returned to the township clerk, shall within five days thereafter, be opened by the township trustees and clerk and a correct statement of the result shall be entered upon the records of the township by the clerk for public inspection.

Canvass of returns and record of result.

Result of negative vote.

Sec. 4. If at such election a majority of the votes cast are against the policy of improving the roads by general taxation, the township trustees shall not assess any

taxes for that purpose; but they shall, when a like petition is thereafter presented to them, again submit the same question at the next annual election, either spring or fall, to the qualified voters of such township, notice of which shall be given and the election conducted, in all respects, in the manner hereinbefore prescribed.

Resubmission of question.

Sec. 5. If, at such election, a majority be found in favor of the policy of the improvement of the public roads of such township by general taxation, the trustees of such township shall appoint three freeholders as commissioners, who shall serve three years from and after the date of their appointment, and in the event of a vacancy occurring upon such board, from any cause whatsoever, such vacancy shall be filled by appointment for the unexpired term by the trustees. Such commissioners shall designate and determine the established roads of such township which shall, in their opinion, be improved. The commissioners shall call to their assistance a competent engineer, who shall make a correct map of such township, plainly showing the established roads of such township which have been by such commissioners designated for such improvement; also, profiles of such roads showing the grade thereof, as they then exist, or have been established, which he shall turn over to the custody of the township clerk.

Appointment, qualifications and term of commissioners.

Vacancy.

Designation of roads to be improved.

Engineer's selection and duties.

Sec. 6. The commissioners so appointed shall, before entering upon the discharge of their duties, take an oath or affirmation, to honestly and impartially discharge their duties with a view to the public welfare and shall serve without compensation. The engineer shall receive such sum, not to exceed four dollars per day, as he may with the commissioners agree upon. The compensation of the engineer shall be paid out of the township funds, upon the order of the township clerk, after allowance by the township trustees.

Oath and non-compensation of commissioners.

Compensation ot engineer.

Sec. 7. After the report of the commissioners, and the map and profiles have been filed with the township clerk, the township trustees shall, in determining which roads shall be first improved, of those designated by the commissioners, select those nearest the center line of such township, north and south, and if, in their opinion, it is not expedient to improve all roads in all directions at one time, they shall proceed to improve the roads which in their opinion are the most traveled and used, within such township.

Order of improvement.

Sec. 8. The trustees shall cause to be kept by the township clerk in a book, to be provided by them for that purpose, a full and correct record of their proceedings under this act, relating to the matter of improving roads within such township; and also an accurate separate account of receipts and expenditures under its provisions; and no money raised for the improvement of public roads and streets shall be drawn from the treasury, except for liabilities already accrued, and then only in pursuance of

Record of proceedings and account of receipts and expenditures.

Payments from treasury.

orders caused by the trustees, whilst in session as a board, and be entered on the record of their proceedings, and by orders drawn in pursuance thereof by the township trustees, upon the township treasurer, and in favor of persons only to whom the money is due.

Award of contracts.

Sec. 9. When the township trustees have by resolution determined to improve a designated road, the work of its construction shall be by them publicly let to the lowest responsible bidder, after notice given of such letting by publication in one or more newspapers if published in such township, and by handbills judiciously posted, at least fifteen days before the letting of the contract.

Specifications.

Sec. 10. For the purpose of letting contract, the trustees shall cause each road about to be improved, to be divided into suitable sections, and the sections numbered from the point of beginning, towards the township line, and shall let the same by sections. All contracts shall be let upon proper specifications of the various kinds of labor required upon each section and also the material, which shall enter into the construction of the same. Bidders shall be required to separately state their bids for each class of work, in such manner as the trustees may demand, and shall also bid separately for the material to be furnished.

Bond of contractor.

Sec. 11. Contractors shall be required to give bond in amount at least equal to the contract price, with sufficient security for the faithful performance of his contract, payable to the township trustees, for the use and benefit of such township, and with the necessary stipulations on part of the contractor, and specifications of the work and material inserted therein.

Point where construction to begin; payment for work.

Sec. 12. In all cases the constructions of such roads shall commence at the point of beginning, and no payment for work shall be made except upon the estimates made by the superintendent of improved roads, appointed by the trustees, and by him duly certified, for work actually done, and for material actually furnished, after reserving such per cent., not less than fifteen, as may be fixed by the parties to the contract, to guarantee the performance thereof.

Specifications as to improvement.

Sec. 13. No road shall be improved under the provisons of this act which is less than forty feet in width, and shall be graded at least twenty feet in width; shall be turnpiked with earth so as to drain freely to the sides, and may be macadamized, raised with stone or gravel not more than sixteen feet in width, and not less than sixteen inches thick in the center, nor less than twelve inches thick at the outer edge of said bed of stone, and gravel well compacted together in such manner as to secure a firm, even and substantial road. In no case shall the grade, or ascent, or descent of the road be greater than seven degrees. The roads shall be well provided with the necessary side drainings, waste-ways and underdrains to prevent overflowing or washing of water; and the commissioners of the county

in which such township is located, shall, upon application of the township trustees, cause the necessary bridges and culverts on said road to be constructed or reconstructed in a substantial manner so as to conform to the grade of the improved road. Provided, that nothing in this section contained shall be construed so as to compel the county commissioners to construct any bridge, which in their judgment could be avoided by a reasonable change in the road, or construct any bridge, when for the time being, on account of the financial condition of the bridge fund, they cannot, in their judgment, do so, without neglecting the needed repairing or construction of other bridges of greater public importance.

Bridges and culverts.

Sec. 14. All roads improved under the provisions of this act shall be free tunrpikes; but the trustees of any such township shall have the same power to regulate the width of the tires to be used on such road as is conferred upon the county commissioners in section 4904 of the Revised Statutes of Ohio, and the penalties provided in section 4905 of said statute, shall be applicable and imposed for any violation of the rules adopted by such trustees regulating the travel upon such improved roads.

Free turnpikes; regulation of width of tires.

Sec. 15. Before entering upon the improvement of any roads, under the provisions of this act, the trustees of any such township shall employ some competent engineer, who shall be known as superintendent of the improved roads, and who shall be paid not more than four dollars per day for time actually employed, out of the funds raised for the improvement of roads. He shall, before entering upon his duties, take and subscribe an oath or affirmation to faithfully and honestly discharge his duties, and shall give bond in the sum of five thousand dollars, payable to the trustees for the use and benefit of said township, conditioned that he shall faithfully and honestly discharge his duties, all and singular as superintendent of improved roads of such township; and for the duties performed under the provisions of this act, the trustees shall, upon filing an itemized statement to the clerk of such township, as provided in section 1530, Revised Statutes, as amended April 21, 1890, receive two dollars per day in addition to the fees allowed in section 1530, for other services rendered for the time actually employed and such compensation shall not in any one year exceed the sum of one hundred dollars each, for the services performed under this original act; and the trustees shall allow the township clerk for services performed under this act a reasonable compensation, not to exceed one hundred dollars in any one year.

Employment, compensation, oath and bond of superintendent of the improved roads.

Compensation to township trustees and clerk.

Sec. 16. It shall be the duty of the superintendent of improved roads of such township; and for the duties performed under the provisions of determine the grade of any road about to be improved by the trustees of such township, when by them directed so to do; and all work done on said roads shall be under his supervision, and all

Duties and powers of superintendent; payment for work or material, etc.

material shall be inspected by him, and both shall be subject to his approval. No payment shall be made for any work or material except upon his estimates and certificate that the same is in compliance with the contract. He shall make and furnish to the parties in interest, estimates for the work done and material furnished, at such times as the contract may provide, and may employ such assistance as he may require, first having had the consent of such trustees thereto, who shall receive such compensation as the township trustees may allow.

Issue of bonds.

Sec. 17. For the purpose of providing the money necessary to meet the expenses of improving such roads the trustees of any such township may, if in their opinion it be advisable, issue the bonds of the township, payable at such times as they may determine, not exceeding thirty years, in the sum of five hundred dollars each, bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually; and such bonds shall not be sold for less than their par value, and accrued interest, and the aggregate amount of the bonds of any such township, at any one time outstanding, shall not exceed fifty thousand dollars. The sale of such bonds shall be advertised for at least thirty days and the same sold to the highest bidder, at the office of the trustees of such township.

Annual tax to pay for improvement, redeem bonds and pay interest.

Sec. 18. When the trustees of any such township have determined to improve any road, as herein provided, in order to provide for the payment of such improvement and to provide a fund for the redemption of any bonds issued by them under the provisions of section seventeen of this act, together with the interest thereon, they shall, in addition to the other road taxes authorized by law to levy annually upon each dollar of valuation of all the taxable property of such township an amount not exceeding three mills upon each dollar of such valuation, and shall continue such levy from year to year until all the roads by said commissioners designated for improvements have been improved, as herein provided, and the bonds issued for that purpose, together with interest thereon, have been paid.

Certification and collection of tax.

Sec. 19. The trustees of any such township shall cause the amount of taxes by them levied each year, under the provisions of section 18 of this act, to be certified to the auditor of the county, in which it is located, as other taxes are certified to him, and the same shall be by him placed upon the duplicate of the taxable property of such township and the same shall be collected by the treasurer of said county as other taxes are collected.

Provisions for repairs.

Sec. 20. The trustees of any such township shall provide for the keeping in repair of such improved roads and for that purpose the provisions of section 4891, 4892 and 4893, and any amendments thereto of the Revised Statutes are made applicable to such township.

Annual tax repairs.

Sec. 21. To provide a fund for the keeping in repair of such improved roads the trustees of such township may

levy annually an amount not to exceed one-half of one mill upon each dollar of the valuation of all taxable property in such township in addition to other road taxes by them levied.

Duties and fees of township treasurer.

Sec. 22. The treasurer of any such township shall receive and disburse all money arising from the provisions of this act. He shall receive as compensation therefor one-half of one percentum of the first ten thousand dollars, or less, distributed in any one year, and one-fourth of one percentum of any amount in excess of ten thousand dollars, to be paid out of the township funds, and he shall receive no other compensation for services rendered under this act.

Exemption from taxation.

Sec. 23. No taxes or assessments shall be levied upon any property in such township by the county commissioners of the county in which it is located, under the provisions of chapters 6, 7, 8, title 7, of the Revised Statutes of Ohio, after any public roads thereof have been improved under the provisions of this act.

Application of cost where improvements made on assessment plan.

Sec. 24. That in all cases where roads have been heretofore improved or shall be hereafter improved by being graded or macadamized or paved on the assessment plan, and paid for, or in the process of being paid for, by abutting property owners, that the entire cost of the improvement herein provided for such width as may be designated by the commissioners, and at such time as such commissioners may designate such roads for improvement shall be paid to the treasurer of the township, as the case may be, and the money so paid shall be by him applied to the payment of outstanding bonds issued for said improvement.

Restrictions on annual improvement and issue of bonds.

Sec. 25. That not to exceed five miles of roads shall be improved in any one year, and that in no event shall the bonds herein authorized be issued for a sum greater than is required to pay the cost of the improvement of roads for the current year.

Repeals, etc.

SECTION 2. That said original sections 1 to 25 inclusive, be and the same are hereby repealed; and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 183G

[House Bill No. 781.]

AN ACT

To authorize the city council of certain cities of the state of Ohio, in case of emergency resulting from fire or floods, to borrow money for bridge purposes.

Be it enacted by the General Assembly of the State of Ohio:

Cities of fourth grade, second class, authorized to replace destroyed bridges.

SECTION 1. That when any bridge or culvert located on any of the main business streets or highways within the corporate limits of any city of the fourth grade of the second class in the state of Ohio, shall have been destroyed or injured by fire or floods, the city council of such city, two-thirds of the members elected thereto having first by resolution declared the necessity of such action, is hereby authorized and empowered, for the purpose of erecting, building or reconstructing a suitable bridge or culvert to replace the one so, as aforesaid, destroyed, to borrow a sum of money not exceeding thirty thousand dollars ($30,000), in addition to loans heretofore authorized by general statutes, and for that purpose to issue the bonds of said city in a sufficient amount to secure a sufficient fund for said purpose, not exceeding thirty thousand dollars ($30,000), in such denominations as the city council shall determine, and bearing interest not to exceed six (6) per cent., payable semi-annually.

Issue of bonds.

Tax.

SECTION 2. The city council of any such city issuing bonds for such a purpose shall levy a tax annually, in addition to the tax now authorized by law, to pay the interest on said bonds as it shall accrue; and every year during the period such bonds have to run shall levy a tax sufficient in amount to pay such bonds becoming due within that year, said tax to be levied and collected as other taxes.

Bonds.

SECTION 3. Any bonds authorized by section 1 of this act shall only be issued in pursuance thereof and of an ordinance concurred in by not less than two-thirds of the city council; they shall be signed by the mayor, and attested by the clerk, and shall express on their face the purpose for which, and the ordinance under which, they are issued. Said bonds shall not be sold for less than par value and accrued interest, and shall be payable in not less than three (3) nor more than fifteen (15) years from date of issue.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 184G

[Senate Bill No. 357.]

AN ACT

To amend sections 1871, 1872, 1879, 1882, 1885, 1889 and 1895 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Police boards and officers:

SECTION 1. That sections 1871, 1872, 1879, 1882, 1885, 1889 and 1895 of the Revised Statutes of Ohio be amended so as to read as follows:

Appointments by mayor, with approval of board.

Sec. 1871. The mayor shall, upon the requisition of the commissioners nominate, and with the approval of the commissioners, appoint all policemen and all officers of the police force. Nominations shall be made without reference to political party opinions or affiliations. All appointments of officers for the police force, except the superintendent, shall be by promotion from the grade next below. The superintendent and inspector shall be nominated by the mayor, and with the approval of the commissioners, shall be appointed by him and shall be under the authority and command of the mayor. The mayor shall also nominate, and with the approval of the commissioners, shall appoint all clerks, station-house keepers, drivers and substitutes. The mayor shall also nominate, and with the approval of the commissioners, shall appoint two physicians, who have been in active practice in said city for at least five years before their appointment. These two physicians, with the police surgeon, shall constitute a board of examiners, whose duty it shall be to examine and pass upon all applicants for positions as substitutes, patrolmen or drivers on said force. It shall also be the duty of this board of examiners to pass upon the cases of any members of the force claiming a pension or an allowance for any temporary or permanent disability, except as hereinafter provided in the case of members who have served fifteen years on the police force and reached the age of fifty years. No patrolman, substitute, or driver shall be eligible to appointment on the force, unless he shall have received from said board of examiners a certificate of physical fitness; and no member of the force shall receive a pension or an allowance for permanent or temporary disability, except upon the approval of said board of examiners.

Board of examiners.

Board disqualified to hold office.

Sec. 1872. Any commissioner who, during the term of his office, accepts any other place of public trust or emolument, or, who, during the same period, knowingly consents to his nomination for an office, elective by the people, or fails publicly to decline the same within twenty days succeeding his nomination, shall be deemed to have thereby vacated his office, and the governor shall appoint a successor; and no member of the police force shall be a delegate to any political convention or take part in any primary or other election except to preserve order and cast his vote, nor shall any member of the force contribute money for political purposes. Any interference by any

Interference in elections, etc., by police.

officer or member of the force in elections or conventions for or against any political party or candidate, shall require his dismissal from the force by the commissioners.

Force, how constituted and officered.

Sec. 1879. The police force shall be composed of a superintendent of police and an inspector of police, whose duty it shall be to act under the directions of the superintendent, as his deputy or assistant, and perform such other services as may be required of him by the mayor or superintendent; four captains of police and one captain of patrol; so many lieutenants of police as may be necessary, not to exceed twenty; so many sergeants of police as may be necessary, not to exceed sixty; so many corporals of police as may be necessary, not to exceed forty-five; so many clerks only as shall be necessary to perform clerical duties; so many court officers as may be necessary, not to exceed eight; so many station-house keepers as may be necessary, not to exceed thirty-three; so many drivers as may be necessary, not to exceed twenty-eight; so many patrolmen as may be necessary, not to exceed five hundred, not including mounted police; and one surgeon of police, and one assistant surgeon of police. Provided, however, that nothing herein contained shall be held to affect the position of any one appointed under the section of which this is amendatory, until such position shall have become vacant by death or otherwise.

Oath and bond of officers and members.

Sec. 1882. Each officer and member of the police force, private policeman, special policeman and substitute policeman, before entering upon the discharge of his duties, shall take an oath before the mayor, who is hereby empowered to administer the same to well and faithfully discharge the duties of his oath, which oath shall be subscribed by the person taking it, and shall be filed and preserved in the office of the police commissioners; the superintendent shall give a bond for the faithful discharge of his duties in the sum of ten thousand dollars ($10,000) to be approved by the board and corporation counsel, which shall be filed in the city clerk's office and thereafter, under the direction and control of the mayor, he shall have command and control of the police force of such city; the inspector, captains and lieutenants shall give bond in the sum of five thousand dollars ($5,000); sergeants and corporals shall give bond in the sum of two thousand dollars ($2,000); and patrolmen, in the sum of one thousand dollars ($1,000); and all other members of the force in such sum as shall be fixed by the commissioners, with sureties to the satisfaction of the commissioners and corporation counsel, for the faithful discharge of their duties, and for the payment of any damages that may be adjudged against them by any tribunal for the illegal arrest, imprisonment or injury by them of any person. The bonds of members of the police force shall be signed by at least two freeholders as sureties, who shall prove to the satisfaction of the commissioners that they own real estate within the county in

Duties of superintendent.

which such city is located, worth not less than twice the amount of the bond, free from liens and debts. The commissioners shall cause to be prepared a convenient manual containing a compend of all the laws and ordinances which the police force is required to obey or enforce, and such instructions as shall aid them in the intelligent discharge of their duty. Each officer and member of the force shall be supplied with a copy, for the preservation of which he shall be held responsible as for other public property. It shall be the duty of every member and officer of the force to make himself acquainted with the directions contained in the manual; and in every way to become familiar with all the duties of his position. The superintendent and inspector shall be especially charged with the duty of instructing members and officers of the force in their duties, and from time to time, examining them as to their knowledge of the requirement of their positions. It shall furthermore be the duty of the board of police commissioners, at least twice in each year, to require the examination and inspection of the entire force, and for this purpose the commissioners may appoint an examiner or examiners to prescribe rules and methods of examination. The commissioners may order any officer or member of the force, at any time, to be inspected and examined. Gross ignorance of the laws and regulations governing and directing the police force, after six months' service as officer or member, shall be deemed conclusive proof of inefficiency, and shall require the removal of such officer or member of the force.

Police manual.

Examination and inspection of force.

Sec. 1885. The mayor shall nominate, and with the approval of the commissioners, shall appoint, not to exceed twelve detectives, who shall be under his control, subject, however, to removal for cause as provided in section 1881; and each detective thus appointed shall receive as compensation a sum not to exceed fifteen hundred dollars ($1,500) per annum, such compensation to be fixed by the mayor, subject, however, to the approval and consent of the commissioners. The mayor shall designate, subject to the approval of the board, one of the detectives to act as chief of detectives, and one to act as sergeant of detectives; and such chief of detectives shall be responsible to the superintendent of police for the conduct and management of this branch of the police service. Such designation as chief of detectives and sergeant of detectives shall continue during the pleasure of the mayor and the commissioners. Such chief of detectives shall, while so acting, be allowed as additional compensation a sum not to exceed five hundred dollars ($500) per annum, and such sergeant of detectives, while so acting, an additional compensation not to exceed one hundred dollars ($100) per annum. The mayor may, with the approval of the commissioners, designate so many patrolmen or corporals, not to exceed fifteen, to act as detectives and said patrolmen or corporals

Secret detective.

Compensation.

Chief of detectives and sergeant of detectives.

Compensation.

Patrolmen may be detailed as detectives.

so designated shall, while so acting, receive a salary not to exceed $1,200 per annum. Such designation shall continue only during the pleasure of the mayor and commissioners. The actual and necessary expense incurred in more effectively carrying out the provisions of this section shall be paid out of a fund to be known as the contingent fund, which shall be monthly estimated by the mayor and approved by the board.

Contingent fund.

Uniform and badge.

Sec. 1889. Every member of the police force and all private policemen shall wear a uniform to be prescribed by the mayor and approved by the board of police commissioners and shall at all times in public view unless excused by the superintendent, wear a badge of his office to be furnished by the board of police commissioners.

Compensation of officers and members.

Sec. 1895. The officers and members of the police force shall receive compensation as follows: The superintendent, a salary of five thousand dollars ($5,000) per annum, fifteen hundred dollars ($1,500) of which sum shall be paid by the county in which such city is situated; the inspector of police shall receive a salary not exceeding two thousand dollars ($2,000) per annum; the police surgeon shall receive a salary not exceeding twenty-two hundred and fifty dollars ($2,250) per annum; the assistant police surgeon shall receive a salary not exceeding eighteen hundred dollars ($1,800) per annum; each captain of police and the captain of patrol shall receive a salary not to exceed eighteen hundred dollars ($1,800) per annum; lieutenants of police shall each receive a salary not to exceed fifteen hundred dollars ($1,500) per annum; sergeants of police shall each receive a salary not to exceed twelve hundred dollars ($1,200) per annum; corporals of police shall each receive a salary not to exceed eleven hundred dollars ($1,100) per annum; patrolmen shall each receive pay at the rate of seventy dollars ($70) per month during the first year of their service, seventy-five dollars ($75) per month during the second year, eighty dollars ($80) per month during the third year, and eighty-five dollars ($85) per month during the fourth and subsequent years of their service; station-house keepers and drivers shall each receive pay at the rate of sixty dollars ($60) per month during the first two years of their service, and sixty-five dollars ($65) per month during the third and subsequent years of their service; the chief police court officer shall hold rank and receive the pay of lieutenant; and the court officers, the rank and pay of patrolmen; provided, however, that in estimating the length of service, those officers and policemen appointed from the force now existing in such cities, shall receive credit for the time and faithful service rendered as such officers and policemen heretofore; the compensation of all clerks and other persons employed under the provisions of this subdivision, and not otherwise fixed, shall be determined by the commissioners.

SECTION 2. That said sections 1871, 1872, 1879, 1882, 1885, 1889 and 1895 of the Revised Statutes of Ohio, as they now exist, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 185G

[Senate Bill No. 46.]

AN ACT

To amend and supplement an act entitled "An act to [amend] section 5094 of the Revised Statutes of Ohio," passed on the 27th day of April, 1893 (vol. 90 O. L., 324.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the act entitled "An act to amend section 5094 of the Revised Statutes of Ohio," published in volume 90 of Ohio laws, on page 324, be amended and supplemented so as to read as follows: Libel:

Sec. 5094. In the actions mentioned in the preceding section, the defendant may allege and prove the truth of the matter charged as defamatory, and proof of the truth of the same shall be a complete defense to any claim for damages, and in every case the defendant may prove any mitigating circumstances to reduce the amount of damages. If it shall appear at the trial, [that] the publication complained of was made in good faith, through mistake of fact, but with reasonable ground for believing that the statements therein contained were true and that the publisher upon demand and [within] a reasonable time thereafter published a full and complete retraction in as public [a] manner as that in which said original publication was made, the presumption of malice attaching to or growing out of the publication of said libellous matter shall be thereby rebutted; provided that nothing contained in this act shall prevent the person libelled from alleging and proving actual malice on the part of the publisher and any special damage resulting to him therefrom. What defendant may allege and prove; effect of proof. Malice must be proven.

SECTION 2. That said act entitled "An act to amend section 5094 of the Revised Statutes of Ohio," passed on the 27th day of April, 1893, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 186G.

[Senate Bill No. 169.]

AN ACT

To amend section 6953 of the Revised Statutes of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against public policy:

SECTION 1. That section 6953, passed May 1st 1871, be so amended to read as follows:

Manufacturing, storing and transporting nitro-glycerine.

Sec. 6953. It shall be unlawful for any person, firm or corporation, to manufacture the substance or material known as nitroglycerine, or any compound thereof, or to store the same in quantities exceeding one hundred pounds, within the limits of any municipal corporation, or within eighty rods of any occupied dwelling or public building, or without giving bond as hereinafter provided to pay any damage caused by the explosion of said substance. Within thirty days after the passage of this act, any and all persons, firms or corporations heretofore engaged in the manufacture or storage of said substance, in any county in this state, and all persons, firms or corporations hereafter engaging in such manufacture or storage, shall give bond in the sum of five thousand dollars, with good and sufficient surety, to the county commissioners of such county, with such surety or sureties as shall be approved by such county commissioners, conditioned for the payment of all damages that may be caused to persons or property by any explosion of any of said substance. And it shall be unlawful for any person, firm or corporation to transport or carry said substance in any package not having written or printed upon two sides thereof, in plain and distinct letters, the words "nitro-glycerine—dangerous," or in any vehicle or watercraft upon which any passenger is, at the same time being conveyed, or in any vehicle upon the two sides and rear end of which there shall not have been printed, in plain and distinct letters, large enough to occupy a space two inches wide by eighteen inches long, the words "nitro-glycerine—dangerous." And anyone convicted of a violation of this section, either as principal or servant, agent or officer of such person, firm or corporation, shall be fined not more than one thousand dollars, or imprisoned not more than three months, or both.

Repeals.

SECTION 2. That said section 6953, passed May 1st, 1871, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.

JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 187G.

[Senate Bill No. 240.]

AN ACT

To amend section 3337-18 Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Railroad companies:

SECTION 1. That section 3337-18 of the Revised Statutes of Ohio be amended so as to read as follows:

Required height of bridges, etc., over railroad tracks.

(3337-18) Sec. 1. All bridges, viaducts, overhead roadways or foot-bridges, wire or other structure hereafter constructed over the track or tracks of any railroad or railroads within the state of Ohio, by any county, municipality, township, railroad company, or other private corporation or person shall be of such height as to be not less than twenty-one feet in the clear from the top of the rails of said track or tracks, to said wire and other structure or to the bottom of the lowest sill, girder or cross-beam, and the lowest downward projection on such bridge, viaduct, overhead roadway or foot-bridge, except in cases where the commissioner of railroads and telegraphs shall find such construction is impracticable, and in every such case said commissioner shall file a written statement in his office setting forth the facts relied upon by him in making such finding. But this provision shall not apply to any main track. Provided, that where any bridge, viaduct, overhead roadway or foot-bridge over a railroad track or tracks is rebuilt, it shall be brought under the provisions of this act, and in such case, if said structure is at, or in line of, a public street or highway, and is thus erected above the grade of any such street or highway and any cross-street or streets, the cost of making such street or streets or highway or highways conform to such new grade, and all damages to owners of property abutting on such street or streets, highway or highways, because of such change of grade, shall be ascertained and determined, and paid as follows: Said or any railroad company or its assigns shall pay all costs or damages resulting as aforesaid, from the raising or building of any of its bridges or structures, as aforesaid, in the line of any street or highway at a greater height than before the passage hereof; and if such company is only part owner of any such structure it shall pay its proportionate share of the cost of such change of grade and damages. Should a railroad company, or its assigns, raise the grade of its track or tracks under any of said structures not owned by it after the passage of this act, thereby causing any said bridge or structure to be put at a higher grade when rebuilt, said company shall pay all costs and damages as aforesaid made necessary thereby.

Cost.

Repeals.

SECTION 2. That said section 3337-18 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.

JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900.

188G.

[Senate Bill No. 219.]

AN ACT

Supplementary to an act entitled "An act to provide for a commission to establish the boundaries and lines of the canals, canal basins, reservoirs, etc., of the state by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals."

Be it enacted by the General Assembly of the State of Ohio:

Canal commissioners; appointment.

SECTION 1. That the term of office of the commission appointed by the authority of an act entitled "An act supplementary to an act entitled 'An act to provide for a commission to establish the boundaries and lines of the canals, canal basins, reservoirs, etc., of the state by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals,'" passed April 26, 1898, having expired by limitation, and the work assigned to said commission not having been completed, the governor is hereby authorized to appoint by and with the advice and consent of the senate, two canal commissioners, who shall complete, in the manner therein provided, the work prescribed in the act entitled "An act to provide for a commission to establish the boundaries and lines of canals, canal basins, reservoirs, etc., of the state by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals," passed March 28, 1888 (O. L., vol. 85, page 127), and the act amendatory thereof, passed April 12, 1889 (O. L., vol. 86, page 270), and the act supplementary thereto (to which this act is supplementary), passed April 18, 1890 (O. L., vol. 87, page 219), and the act amendatory of the act of April 12, 1889, above named, passed May 1, 1891 (O. L., vol. 88, page 507), and the act enlarging the duties of the canal commission, passed April 23, 1891 (O. L., vol. 88, page 338), and any other act amendatory of or supplementary to the above-named acts, and for such purposes the canal commissioners created by this act shall exercise the powers and perform the duties conferred and imposed upon the canal commission, or any member thereof, by the above-named acts, or either of them, or by any existing law. The term of office of such canal commissioners shall be two years, unless sooner removed by the governor, who is authorized to fill any vacancy occurring in the office. The said canal commissioners, after appointment, shall each take an oath of office and give bond in the sum of ten thousand dollars, conditional for the faithful discharge of his duties, and shall each receive the sum of fifteen hundred dollars per annum and necessary expenses in the prosecution of his duties, to be paid as the compensation and expenses of the canal commission. of which such canal com-

Powers and duties of commissioners.

Term of office; vacancy.

Oath; bond and compensation.

missioners will be the successors, as now required by law to be paid.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 189G

[Senate Bill No. 49.]

AN ACT

To amend supplemental section 2745*a* of the Revised Statutes of Ohio, as passed May 1, 1891 (88 v. O. L., 487).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2745*a* of the Revised Statutes of Ohio be amended so as to read as follows:

Insurance companies:

Sec. 2745*a*. It shall be unlawful for any insurance company or agent legally authorized to transact insurance business in the state of Ohio to write, place or cause to be written or placed, any policy, renewal of policy, contract for insurance upon property situated or located in the state of Ohio, except through a legally authorized agent in the state of Ohio, who shall countersign all policies so issued and enter the payment of the premium upon his record, and the writing, renewal, placing or causing to be written or placed any policy of insurance in any other manner or form is hereby declared to be a violation of the law providing for the payment of taxes by foreign insurance companies doing business in the state of Ohio, as set out and provided in section 2745 of an act passed by the General Assembly of the state of Ohio, April 12, 1889 (88 v. 487). And no fire insurance company or association authorized to do business in this state shall reinsure, dispose of, cede, pool, divide or in any manner or form whatsoever, reduce any portion of its risk or liability, covering property located in whole or in part in this state, in or with any company, association, person or persons whatever, incorporated or otherwise, not authorized by law to do the business of fire insurance in this state, or to reinsure, or assume as a reinsuring company or otherwise, in any manner or form whatsoever, the whole or any part of any risk or liability, covering property located in whole or in part in this state, of or for any insurance company, association, person or persons, incorporated or otherwise, not authorized by law to do the business of fire insurance in this state. It shall be the duty of the superintendent of insurance of this state annually, and at such times as he may see fit, to require the president or other chief officer of each company

Insurance policy on Ohio property not to be placed in agency outside of state.

Reinsuring, ceding, pooling or dividing risk with unauthorized foreign company forbidden.

Annual report required of chief officer of company, or association.

or association, to file a statement under oath, showing the names of each fire insurance company, or association, with whom or for whom any liability for insurance on property located in whole or in part in this state has been reinsured, disposed of, ceded, pooled, divided, or in any manner or form whatsoever reduced or increased.

Repeals.

SECTION 2. That section 2745*a* of the Revised Statutes of Ohio, as passed May 1, 1891, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 190G

[House Bill No. 24.]

AN ACT

To amend section 4730 of the Revised Statutes of Ohio, as amended March 15, 1898.

Be it enacted by the General Assembly of the State of Ohio:

Supervisors and road work:

SECTION 1. That section 4730 of the Revised Statutes of Ohio be amended so as to read as follows:

Destruction of brush, briers, weeds, etc., on highways.

Sec. 4730. The superintendent of any improved or macadamized road, supervisor of county and township roads, or street commissioner of any city or village, shall, between the 1st and 20th days of June, and between the 1st and 20th days of August, and if necessary, between the 1st and 20th days of September of each year, cut and burn or destroy, or cause the same to be done, all brush, brier, burrs, Russian and Canada or common thistle, or other noxious weeds growing or being within the limits of any county or township road, improved or macadamized road, street or alley within his jurisdiction; such supervisor or superintendent shall be allowed not to exceed $1.50 per day, for all necessary labor done in the performance of said work, to be allowed by the trustees and paid by the treasurer of the township out of the road fund, or general fund, but a street commissioner shall be allowed and paid, for any such services performed by him, by the proper municipal authorities; the supervisor or superintendent of any such roads shall allow any land owner or tenant to cut and destroy any such brush, briers, burrs, thistles or other noxious weeds, growing or being on such roads along the lands abutting on such roads owned or occupied by such land owner or tenant, but before the

Compensation.

Owner or tenant may perform labor; compensation.

said work is performed shall fix a reasonable compensation therefor, which shall be credited on the road tax of that year assessed against said premises; provided, however, that such land owner or tenant shall do said work or cause the same to be done before the 1st day of the month in which such work is required to be done as specified in this section. The superintendent, or manager of any toll, steam or electric road shall cut, burn or destroy, or cause the same to be done, all brush, briers, burrs, Russian, Canada or common thistle, or other noxious weeds growing or being within the limits of any such road between the days of each month as above specified in this section, and in default thereof, and for five days thereafter, the trustees of any township through which any such road passes, shall cause the same to be done, and shall have the right of action against any such toll, steam or electric road company for the amount of such work, together with one hundred per cent. penalty, and costs of action to be recovered before any justice of the peace of such county.

Destruction of briers, brush, etc., on toll roads; penalty.

SECTION 2. That said section 4730, as amended March 15, 1898, is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 191G

[Senate Bill No. 84.]

AN ACT

To amend section 3634 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3634 of the Revised Statutes be amended so as to read as follows:

Insurance companies other than life:

Sec. 3634. Except as hereinafter provided, no joint stock insurance company shall be organized under this chapter, or permitted to do business in this state, with a less capital than one hundred thousand dollars, which must be fully paid up before the company shall be entitled to transact business, except, that but twenty-five per cent of the capital stock of a live stock company must be paid up before the same shall have the right to do business; nor shall any company on the plan of mutual fire insurance be incorporated until not less than five hundred thousand dollars of insurance, in not less than two hundred separate risks, no one of which shall exceed $5,000, have be [been] subscribed, and the premium thereon, for one year, paid in

Capital of joint stock companies

Amount and charter of subcription in mutual fire companies necessary.

cash, aggregating not less than $10,000 in cash, each subscriber agreeing, in writing, to assume a liability to be named in the policy, subject to call by the board of directors in a sum not less than three nor more than five annual premiums. And the same liability shall also be agreed to in writing by each subsequent subscriber or applicant for insurance who is not a merchant or manufacturer. And each subscription before incorporation shall be accompanied by a certificate of a justice of the peace of the township or city where such subscriber resides, that the subscriber is, in his opinion, pecuniarily good and responsible to the extent of the contingent liability agreed to be assumed. Mutual fire insurance companies organized under this act may thereafter charge and collect in advance upon their policies a full annual premium in cash, but such policies shall not compel subscribers, insured or assured, to renew any policy nor pay a second or further annual or term premium. Any such company must in its by-laws, and must in its policies, fix by a uniform rule the contingent mutual liability of its members for the payment of losses and expenses; and such contingent liabilities shall not be less than three nor more than five annual cash premiums as written in the policy; but such liability shall cease with the expiration of the time for which a cash premium has been paid in advance, except for liability incurred during said time; but nothing in this section shall apply to associations for the mutual protection of their members against loss by fire heretofore or hereafter organized as provided in section 3686 of the Revised Statutes.

Annual cash premiums collectible in advance by mutual companies.

Contingent mutual liability for losses and expenses.

Mutual fire associations not included in provisions of act.

Repeals, etc.

SECTION 2. That section 3634 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 192G

[Senate Bill No. 361.]

AN ACT

To supplement section 2701 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Power to borrow money, etc:

[SECTION 1.] That the following section be amended [enacted] supplementary to section 2701 of the Revised Statutes of Ohio.

Issue of bonds by cities of fourth grade, second class, to pay off floating indebtedness.

Sec. 2701*a*. The council of any city of the fourth grade of the second class for the purpose of extending the time of the payment of the floating indebtedness of any such city which, from its limits of taxation, such city is unable to pay out of the general revenues raised by taxation and pay the current and fixed expenses of such city, shall have power to issue bonds of such city sufficient to pay of [off] such floating indebtedness, in such amounts, and for such length of time not to exceed twenty-five years, and at such rate of interest as the council may deem proper, not to exceed the rate of six per centum per annum, payable annually or semi-annually; but no such bonds shall be issued unless at least three-fourths of all members elected to the council shall concur in the passage of the ordinance determining the necessity for and authorizing the issue of such bonds.

SECTION 2. This act shall take effect and be in force from and after its passage,

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 193G

[Senate Bill No. 355.]

AN ACT

Concerning the printing of Taylor's Ohio statesmen and hundred year book.

Preamble:

WHEREAS, The state of Ohio, by act passed March 3, 1898, secured possession of the copyright for Taylor's Ohio statesmen and hundred year book and ordered the printing and distribution of 9,500 copies of the same; and

WHEREAS, Said book is of great value in matters of reference and is in great demand wherever distributed heretofore; therefore

Be it enacted by the General Assembly of the State of Ohio:

Publication of Taylors's hundred year book.

SECTION 1. That the supervisor of public printing be and is hereby authorized and directed to print for the use of the general assembly and of the state library ten thousand (10,000) copies of a new edition of said book, the copy of which shall be furnished under the direction of the clerk of the senate and which shall include the bringing down of all tables in said work to July 1st, 1900.

Distribution.

SECTION 2. That the edition hereby ordered shall be bound in substantial library cloth and distributed as follows: To each senator and representative in the 74th general assembly fifty (50) copies, to each state officer ten (10) copies, to each officer and employe of the 74th general assembly two (2) copies, to the state library for exchange and distribution

to public libraries throughout the state the residue of said edition to be disposed of to such parties as may desire the same and make sufficient payment thereon to cover the expense of said distribution, the money so collected to be turned into the state treasury to the credit of the general revenue fund; that as compensation for furnishing the matter for said publication and supervising the proof reading and printing of the same according to the direction of the supervisor of public printing, the said clerk of the senate shall contract with some suitable person to perform said work for a sum not to exceed forty cents per copy for the number of copies so published.

Appropriations.

SECTION 3. That there be and is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund not otherwise appropriated the amount of compensation provided for in section 2 of this act for manuscript and proof reading to be paid out on the voucher of the clerk of the senate, accompanied by the certificate of the supervisor of public printing that said manuscript has been furnished and said work is in process of distribution.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 194G.

[House Bill No. 958.]

AN ACT

To supplement section 4 of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio," passed April 18, 1892 (O. L., p. 455), as reënacted and amended April 25, 1898 (93 O. L., p. 361), by the enactment of section 4*b*.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That section 4 of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio," passed April 18, 1892 (89 O. L., p. 455), as reenacted and amended April 25, 1898 (93 O. L., p. 361), be and the same is hereby supplemented by the enactment of section 4*b* as follows:

Salaries of deputy state supervisors of election and clerks in Cuyahoga, Franklin and Lucas counties

Sec. 4*b*. Each member of the board of deputy state supervisors and the clerk thereof in any county containing a city of the second grade of the first class shall be allowed and paid a salary in the sum of five hundred ($500) dollars per annum and each member of any such board and clerk thereof in any county containing a city of the third grade

of the first class or first grade of the second class shall each be allowed and paid a salary of three hundred ($300) dollars per annum, and in each case shall be payable monthly upon vouchers approved by the board out of the county treasury and the county commissioners shall make the necessary levy to meet the same. The judges and clerks of election in any said county containing a city of the second grade of the first class shall be allowed and paid a uniform compensation for their services in accordance with the provisions of section 2926*t* of the Revised Statutes without regard to the exceptions therein named.

Compensation of judges and clerks in Cuyahoga county.

SECTION 2. That section 4 of said act and all acts or parts of acts and all sections or parts of sections of the Revised Statutes in conflict with the provisions of this act are to the extent of such conflict hereby declared void but not otherwise; and this act shall take effect on its passage.

Inconsistent provisions of statutes declared void.

A. G. REYNOLDS
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 195G.

[Senate Bill No. 338.]

AN ACT

To amend and supplement an act entitled "An act to amend section 3897 of the Revised Statutes, and supplementary thereto," passed April 14th, 1896.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3897*a*, 3897*b*, 3897*d* and 3897*h*, of the Revised Statutes, be amended so as to read as follows:

Schools:

Sec. 3897*a*. The superintendent of the public schools of said city district of the first grade of the first class shall appoint all the teachers of said schools by and with the consent of the board of education, which appointments shall be for a period of one year, when made the second time shall be for a period of two years, and when made the third time shall be for a period of four years; all teachers who shall have served seven successive years in the public schools of said city district, whether before or after, or partly before or after the passage of this act, shall when appointed by the said superintendent, and confirmed by said board, hold their positions until removed by death, resignation or for cause, subject, however, to the provisions and requirements of sections 4074 and 4081 of the Revised Statutes and all other sections and provisions of the Revised Statutes relating to board of examiners and

Appointment of teacher, etc.

Removal of teacher upon charges.

their powers and duties; provided, however, that any teacher of said schools may at any time be removed by said superintendent, subject to the approval of a majority of said board of education, for cause, upon written charges, which charges, when filed, shall be investigated by said board of education, or by a committee of said board appointed for such purpose, and the decision of said board of education shall be final.

Appointment of teachers for high school.

Whenever in said city districts of the first grade of the first class the high schools of said city district shall or at any time hereafter may be, under the control and management of a union board of high schools, or of any other separate board, the superintendent of public schools of said city district shall appoint all the teachers of said high schools, by and with the consent of the majority of the members of said union board of high schools, or any other separate board of said district, which appointments shall be for a period not exceeding one year; provided, however, that all teachers of said high schools who shall have served five successive years in the public schools of said city district or in the high schools of said city district, whether before or after, or partly before or after the passage of this act, or both, when appointed by said superintendent and confirmed by said union board or other separate board having the control of said high schools, shall hold their positions until removed by death, resignation or for cause, subject, however, to the provisions and requirements of sections 4074 and 4081 of the Revised Statutes and all other sections and provisions of the Revised Statutes relating to boards of examiners and their powers and duties; provided,

Removal of high school teachers.

however, that any teacher of said high schools may at any time be removed by said superintendent, subject to the approval of the majority of said union board of high schools, or other separate board, or by said union board or other separate board, for cause upon written charges, which charges, when filed, shall be investigated by said union board of high schools, or other separate board of said city district, or by a committee of said board appointed for such purpose, and a decision of such union board, or other separate board having control of said high schools, shall be final;

When board shall appoint high school teachers.

provided, further, that whenever the power to appoint teachers in the public schools of such city district of the first grade of the first class is not given by the law of the state to the superintendent of the public schools or not given to him by the board of education of such city district in pursuance of the law, then said union board of high schools, or other separate board, shall appoint such teachers in the high schools to serve as above provided, with power of removal as above provided. The provisions of this section relating to the appointment and terms of teachers shall not apply to the appointment or term of any superintendent or superintendents of schools of such city districts.

Teachers' pension fund.

Sec. 3897*b*. In order to create a fund to be known as the "school teachers' pension fund," two dollars a month

for each and every school month shall be deducted by the proper officers from the salaries paid to all teachers of said city district of the first grade of the first class, including the teachers of the high schools of said city district, and paid into the city treasury to the credit of said fund, to be used exclusively for pensions for teachers as hereinafter provided. All moneys received from donations, legacies, gifts, bequests or from any other source shall also be paid into said fund or into a permanent fund, only the interest of which may be applied to the payment of pensions, but no taxes shall be levied or any other public moneys be appropriated for said fund, except as herein provided.

Retirement and pension of teachers.

Sec. 3897*d*. Said board of education of said city district and said union board or other separate board having the control and management of the high schools of said city district shall each of them have power by a majority vote of all the members composing said board to retire on account of physical or mental disability any male or female teacher under such board who shall have taught for a period aggregating twenty (20) years, whether before or after, or partly before or after the passage of this act; provided, however, that three-fifths of said period of service shall have been rendered by said beneficiary in the public schools or the high schools of said city district, or in the public schools or high schools of the county in which said city district is located. The term "teacher" under this act shall include the superintendent of schools, all superintendents of instruction, principals, special teachers, and teachers employed by either of said boards. Any teacher shall have the right to retire and become a beneficiary under this act who shall have taught for a period aggregating thirty (30) years, whether before or after, or partly before or after the passage of this act; provided that three-fifths of said term of service shall have been rendered in the public schools or the high schools of said city district, or in the public schools or high schools of the county in which said city district is located. Each teacher so retired or retiring shall be entitled during the remainder of his or her natural life to receive as pension, annually, the sum of ten ($10) dollars, for each and every year of service rendered as teacher, but in no event shall such pension paid to any teacher exceed the sum of five hundred ($500) dollars in any one year, and said pension shall be paid monthly during the school year; but in no event shall such pension be paid to any teacher until such teacher shall contribute or shall have contributed to said fund a sum equal to twenty ($20) dollars a year for each and every year of service rendered as teacher, but in no event shall this sum exceed six hundred ($600) dollars; but should any teacher retiring be unable to pay the full amount of this sum before receiving a pension, the board of trustees shall, in paying the annual pension to such retiring teacher, withhold on

"Teacher" defined.

Amount of pension.

each month's payment twenty per cent. thereof, until the full amount as above provided shall have been thus contributed to the fund; provided, further, that if said pension fund shall at any time be insufficient to meet the pensions so provided for that during the period that such fund is insufficient to make such payments, the amount in said fund during said period shall be pro-rated between the parties entitled thereto. No payments shall be made to any beneficiary, nor shall any teacher retired or retiring be entitled to any payment under the provisions of this act prior to July 1st, 1899.

Rebate in case of resignation or removal.

Sec. 3897*h*. Any teacher who shall resign or be removed for cause as aforesaid, shall upon application within three (3) months after date of such resignation or removal be entitled to receive one-half of the total amount paid by such teacher into such fund. In case of the death of any teacher, the heirs, legatees or assigns of the deceased teacher shall be entitled to receive one-half of the total amount paid by such teacher into such fund, upon application therefor with proof of claim to the satisfaction of the board of trustees.

Heirs, legatees or assigns of deceased teacher entitled to half amount paid.

SECTION 2. That said act entitled "An act to amend section 3897 of the Revised Statutes, and supplementary thereto," passed April 14th, be supplemented as follows:

Rules and regulations.

Sec. 3897*i*. The board of trustees shall make such rules and regulations as it may deem expedient or necessary for its government.

Repeals, etc.

SECTION 3. That sections 3897*a*, 3897*b*, 3897*d* and 3897*h* of an act entitled "An act to amend section 3897 of the Revised Statutes, and supplementary thereto," passed April 14th, 1896, be and the same are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 196G

[Senate Bill No. 73.]

AN ACT

To amend section 1 of an act "To authorize the use and purchase of voting machines for any or all elections to be held within any city, town or village of the state, and for the appointment of commissioners," passed April 25, 1898 (O. L. vol. 93, p. 277).

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That section 1 of an act entitled "An act to authorize the use of voting machines for any or all elections to be held within any city, town or village of the state

of Ohio and for the appointment of commissioners," passed April 25, 1898, be and the same is hereby amended so as to read as follows:

Submission of question as to use of voting machines in elections.

Sec. 1. That any body or board of public officials, or any officer or officers, charged by law with the duty of providing material and supplies for holding an election or elections in any city, village, town, precinct, or other civil division of the state, may at any general or special election submit a proposition to the qualified voters thereof, to adopt a voting machine or voting machines, and whenever a majority of the electors of any said city, village, town, precinct or other civil division voting upon said proposition shall have declared therefore may purchase voting machine or machines for use at any or all of the election districts for which he, it or they are by law charged with the duty of providing with material and supplies for holding an election, at the expense of the city, village, town, county, precinct, or other civil division of the state now chargeable by law with the expenses of the material and supplies for holding general elections in such election district or districts. Provided, however, that no such voting machine shall be used, purchased or adopted until the commissioners hereinafter provided for, or a majority thereof, shall have made and filed their report certifying that they have examined such machine; that it affords each elector an opportunity to vote in absolute secrecy; that it enables each elector to vote a straight party ticket; that it enables each elector to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all other parties, and in part from an independent nomination, and in part of persons not in nomination by any party or upon any independent ticket; that it enables each elector to vote a written or printed ballot of his own selection, for any person for any office for which he may desire; that it enables each elector, if he so desires, to cast one written or printed ballot of his own selection for all the officers for whom he is entitled to vote at such election; that it affords each elector an opportunity of voting for all the candidates for whom he is entitled to vote, and absolutely prevents his voting for any candidate more than once; and that it also prevents the elector voting for more than one person for the same office, unless he be lawfully entitled to vote for more than one person for that office, and, in that event, it admits of his voting for as many persons for that office as he is by law entitled to vote for, and no more, at the same time preventing his voting for the same person twice; that the machine is so constructed that an elector may be permitted to vote for a candidate for whom he may be lawfully entitled to vote, and excluded from voting upon any questions upon which he may not be lawfully entitled to vote; that such machine admits of the enjoyment of each elector of his full right and privilege in the exercise of the elective franchise under the constitution and laws of this state;

Machine to be approved by commission; requirements of machine.

that the machine is supplied with a booth so arranged that the operation of the machine by the elector, when voting cannot be seen, observed or known by any other person, unless such other person be inside the booth at the same time; that such machine, properly operated, will correctly register every vote cast; that the machine is constructed of such material that when properly cared for, there is little or no danger of its utility being impaired by any of the parts becoming rusted or corroded; that the machine may be safely and conveniently used by eight hundred electors in any one election district during the time allowed for holding a general election thereon.

Repeals.

SECTION 2. That said section (1) of original act passed April 25, 1898, be and the same is hereby repealed.

SECTION 3. This act shall take effect on its passage.

A. G. REYNOLDS
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 197G.

[Senate Bill No. 369.]

AN ACT.

To amend section 2926*t* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That section 2926*t* of the Revised Statutes be so amended as to read as follows:

Salaries of members of city election boards.

Sec. 2926*t*. Each member of the board of elections appointed under this act, in cities of the first grade in the first class, shall be allowed and paid a salary of twelve hundred dollars per annum, and in cities of the second grade in the first class, shall be allowed and paid a salary of one thousand dollars per annum. And in cities of the third and fourth grades in the first class, and in the first and second grades of the second class, a salary of four hundred dollars per annum, payable quarterly, and in cities of the third grade and the third grade *a*, in the second class, a salary of two hundred dollars per annum, payable quarterly, and in cities of the fourth grade in the second class, a salary of fifty dollars per annum, payable semi-annually.

Salary of secretary.

The secretary of the board of elections in cities of the first and second grades in the first class, shall be allowed and paid a salary of two thousand and four hundred dollars per annum, in monthly payments, and in cities of the third grade in the first class, six hundred dollars per annum, in monthly payments. In counties containing a city of the first class fourth grade, each member of the board shall be paid a salary of four hundred dollars, three hundred of which

Salaries of members and secretary in Stark county.

amount is to be from the city funds, and one hundred from the general fund of the county in which the city is situated; and the secretary in such city of the first class, fourth grade, shall be paid a salary of six hundred and fifty dollars, four hundred and fifty dollars of which to be paid from the city funds and two hundred from the general fund of the county, and the money payable from the county funds shall be on warrants drawn by the county auditor upon orders certifying the said services, signed by the president and secretary of the board, said payments to be in monthly installments. And in cities of the first grade, second class, a salary of five hundred dollars per annum, in monthly payments, and in cities of the second grade of the second class, a salary of one thousand dollars per annum, to be paid in monthly installments, and in cities of the third grade and third grade *a* of the second class, a salary of two hundred dollars per annum, and such additional sum, not exceeding one hundred and fifty dollars per annum, as the board may allow, payable quarterly, and in cities of the fourth grade of the second class, a salary of one hundred dollars per annum, payable quarterly, which salaries shall be paid from the city treasury upon orders certifying the said services, signed by the president and secretary, to the city comptroller, city audtor, city clerk of such city. The registrars of each election precinct shall be allowed and paid three dollars per day, and no more, nor for more than six days in any one election, for their services as registrars. The judges of election, including the registrars as such, and the clerks of election so appointed, shall each of them be allowed and paid five dollars for each election at which they serve, and no more, either from the city or county, except that in cities of the third and fourth grades, and third grade *a*, in the second class, they shall each be allowed and paid three dollars for each election at which they serve, and no more, either from the city or county. But no registrar, judge or clerk shall be entitled to the compensation so fixed except upon the allowance and order of the board of elections, made at a joint session, certifying that each has fully performed his duty, according to law as such, and stating the number of days' service actually performed by each, and signed by the president and secretary of the board to the city comptroller, city clerk or city auditor of such city, but for all general elections other than municipal, the county in which such city is located shall pay the general expenses of such registration and election; and such allowance and order for such expenses and compensation to such registrars, judges and clerks shall be signed by the president and secretary of such board to the county auditor of such county, who shall issue his warrants upon the county treasury for such amount.

Salary of secretary in certain other cities.

Compensation of registrars, judges and clerks.

Expenses to be paid by county.

SECTION 2. That said section 2926*t* as amended in 93 O. L. 356 be, and the same is, hereby repealed.

Repeals.

SECTION 3. That this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 198G.

[Senate Bill No. 23.]

AN ACT

To amend sections 364 and 365 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Commissioner of schools:

SECTION 1. That sections 364 and 365 be amended so as to read as follows:

Duty of commissioner on complaint of fraudulent use of money, etc.

Sec. 364. When a complaint is made to the state commissioner of common schools, in writing, verified by the affidavits of at least three freeholders and taxpayers, resident of any school district in the state, and bearing the certificate of the auditor or auditors of the respective county, or counties, in which said district is located, that said affiants are freeholders and taxpayers, alleging that they have good reason to and do believe that any portion of the school fund of such district has been expended, or is being expended, contrary to law, or has been fraudulently, unlawfully, or corruptly used, or misapplied, by any of the officers of such district, or that there have been fraudulent entries in the books, accounts, vouchers, or settlement sheets thereof, by any such officers, or that any of such officers have not made settlements of their account as required by law, or whenever, from information filed in his office, or from other cause, the state commissioner of common schools may deem it necessary for the safety and security of the public funds of any school district, situated in the state of Ohio, he is authorized and required to appoint some trustworthy and competent accountant, for the purpose of investigating such complaint, or allegations, who after being duly commissioned by said state commissioner of common schools and sworn by any person authorized by law to administer oaths, shall forthwith visit such school district and take possession of all the books, papers, vouchers and accounts of such district, and investigate the truth of the allegations of such complaint, and the condition of the school fund of such district; and the several officers of such school district, on the application of such examiner, shall immediately place in his possession all their books, accounts, contracts, vouchers, and other papers having reference to the receipts and disbursements of the school

Appointment of accountant to investigate charges.

funds; and the county auditor and treasurer shall give such examiner free access to all the records, books, papers, vouchers, and accounts of their respective offices having reference to the object of such investigation; and said examiner is authorized, by and with the written consent of the prosecuting attorney, or the judge of the court of common pleas of the county in which such district is located, to require the assistance of the official stenographer of said county, in making such examination; and said stenographer shall receive only such compensation and in the manner provided in section 478 Revised Statutes, upon the certificate of the prosecuting attorney of said county.

Examiner entitled to stenographer.

Sec. 365. Such examiner shall have authority to call before him forthwith, upon written notice, and examine witnesses, under oath, to be administered by him; and he shall immediately after completing such investigation, report in writing, in duplicate, setting forth the condition of the books, vouchers, and accounts of such district, the amount of school funds received for any and all purposes, and from whatever source, the amount expended, and for what, and the amount actually in the treasury, one copy of which report he shall file in the office of the clerk of the court of common pleas of the county in which such district is situate, and the other copy he shall transmit to the state commissioner of common schools at Columbus; and the examiner so appointed and performing the duties herein required, shall receive as compensation a per diem of five dollars for each day necessarily engaged in the performance of his duties, and shall also receive five cents for each mile by him necessarily traveled in that behalf; but no mileage shall be allowed for a greater distance than from Columbus to such district; and such compensation and mileage shall be paid out of the county treasury upon the warrant of the county auditor, and if the investigation establish the truth of any material allegation in such complaint, then such amount so paid shall be assessed by the county auditor upon the taxable property of the district, to be collected as other taxes are for the use of such county treasurer.

Powers and duties of stenographer.

His compensation.

Payment thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 199G

[House Bill No. 780.]

AN ACT

To amend sections 3080 and 3105 of the Revised Statutes of Ohio, and section 3082, as amended April 25, 1898.

Be it enacted by the General Assembly of the State of Ohio:

Ohio national guard:

SECTION 1. That sections 3080 and 3105 of the Revised Statutes, and section 3082, as amended April 25, 1898, be amended so as to read as follows:

Yearly payments to organizations.

Sec. 3080. Upon the approval of the adjutant-general, there shall be allowed, annually, for care of state property and other necessary expenses, to each division, brigade and regimental headquarters, the sum of two hundred dollars, payable to the order of the commanding officer; to each separate battalion headquarters, and to each regimental band, company of infantry and troop of cavalry, the sum of one hundred dollars, payable to the order of the commanding officer; to each battery, the sum of fifty dollars for each gun, to be paid in accordance with section 3075, to the order of the commanding officer. Such commanding officers shall pay the same to the treasurer of the division, brigade, regiment, separate battalion, band, company, troop or battery, taking his receipt therefor, in duplicate, and a copy of which shall be returned to the adjutant-general. When the sum appropriated for such purpose is not sufficient for the full allowance of said amounts to each of such organizations aforesaid, the adjutant-general shall apportion the amount appropriated pro rata to said several organizations in the state.

Treasurer's bond.

Sec. 3105. Every person elected or appointed to have the custody of any funds of any military organization shall, before receiving such fund, enter into bond in twice the amount likely to be in his hands at any time, but not less than five hundred dollars, with at least two good and sufficient sureties, to be approved by the auditor of the proper county, payable to the state of Ohio, for the use of such organization, for the faithful discharge of his duties, and the careful keeping and disbursement of such funds, as directed by the council of administration of such organization.

Pay during encampments.

Sec. 3082. Officers and enlisted men shall receive pay for each day actually spent by them on duty at the annual encampment at the following rate, together with all necessary transportation, quartermaster stores and medical supplies: For each day's service the major-general commanding the division shall receive $7.00; each brigade commander shall receive $6.00; each colonel shall receive $4.50; each lieutenant colonel shall receive $4.00; each major and each quartermaster shall receive $3.50; each captain and regimental adjutant, mounted, shall receive $2.75; each captain, not mounted, shall receive $2.50; each first lieutenant, mounted, shall receive $2.25; each first lieutenant, not mounted, each battalion adjutant and each second lieutenant

mounted shall receive $2.00; and each second lieutenant not mounted shall receive $1.75, together with the same allowance for subsistence as is provided for enlisted men. For each day's service performed each enlisted man shall receive $1.00 and a commutation of rations at the rate of forty cents a day, and for all horses used by field and staff officers and ambulance, and for officers and enlisted men of cavalry and artillery, not to exceed forty for a troop of cavalry, twenty-four for a two-gun battery and forty-five for a four-gun battery, there shall be paid $1.50 per day for each horse for six days. The quartermaster and commissary, non-commissioned officers and enlisted men of the quartermaster corps to be limited to such extra day's service and pay as may be actually necessary in arranging for, preparing and breaking camp, and not to exceed six extra days in all, before and after the encampment, the extra days' service of each officer and man to be evidenced by time schedule report to be made by the quartermaster to the adjutant-general, showing where and when and by whom such extra duty was performed.

SECTION 2. Original sections 3080 and 3105 and 3082, as amended April 25, 1898, are hereby repealed, and this act shall take effect and be in force from and after its passage. **Repeals.**

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 200G

[House Bill No. 524.]

AN ACT

To supplement section 2485 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following section shall constitute a section supplementary to section 2485 of the Revised Statutes of the state of Ohio, with sectional numbering and as follows: **Gas companies:**

Sec. 2485*a*. Any two or more of the companies mentioned in section 2478, which are doing business in the same municipal corporation, or which are incorporated and organized for the purpose of doing business in the same municipal corporation, may consolidate into a single corporation in the same manner and with the same effect as provided for the consolidation of railroad companies in sections 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3390, 3391 and 3392 of the Revised Statutes, and any and all acts amendatory and supplementary to said sections. **Consolidation of companies doing business in same municipality.**

SECTION 2. That this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 201G

[House Bill No. 426.]

AN ACT

To repeal sections 1784-62, 1784-63, 1784-64, 1784-65, 1784-66, 1784-67, 1784-68, 1784-69, 1784-70, 1784-71, 1784-72, 1784-73, 1784-74, 1784-75, 1784-76, 1784-77, 1784-78, 1784-79, 1784-80, and 1784-81 of the Revised Statutes of Ohio, as enacted April 6th, 1891 (v. 88 O. L., pp. 287 to 293).

Be it enacted by the General Assembly of the State of Ohio:

Gallon depository act repealed.

SECTION 1. That sections 1784-62, 1784-63, 1784-64, 1784-65, 1784-66, 1784-67, 1784-68, 1784-69, 1784-70, 1784-71, 1784-72, 1784-73, 1784-74, 1784-75, 1784-76, 1784-77, 1784-78, 1784-79, 1784-80 and 1784-81 of the Revised Statutes of Ohio, passed April 6th, 1891, be, and the same are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after the first day of April 1901.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 202G

[House Bill No. 687.]

AN ACT

To define maple sugar and maple syrup, to provide against the adulteration thereof, and to provide for the standard of weight of maple syrup.

Be it enacted by the General Assembly of the State of Ohio:

Maple sugar and syrup defined.

SECTION 1. That maple sugar, or pure maple sugar, and maple syrup, or pure maple syrup, shall be the unadulterated product produced by the evaporation of pure sap from the maple tree.

Standard of weight of maple syrup; adulteration.

SECTION 2. The standard of weight of a gallon of maple syrup of 231 cubic inches in the state of Ohio, shall be eleven pounds. Any other substance mixed with maple

sugar or maple syrup or any other substance purporting to be maple sugar or maple syrup shall be deemed to be an adulteration within the meaning of the laws of the state of Ohio, providing against the adulteration of food.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 203G

[House Bill No. 487.]

AN ACT

To provide for the centralization of township schools and provide a high school for the same.

Be it enacted by the General Assembly of the State of Ohio:

"Centralization" defined.

SECTION 1. For the purposes of this act the word "centralization" is hereby defined as a system of schools in a township providing for the abolishment of all sub-districts and the conveyance of pupils to one or more central schools.

Submission of question of centralization.

SECTION 2. A township board of education may submit the question of centralization, and upon the petition of not less than one-fourth of the qualified electors of such township district, must submit such question to a vote of the qualified electors of such township district, and if more votes are cast in favor of centralization than against it, at such election, it shall then become the duty of the board of education, and such board of education is required to proceed at once to the centralization of schools of the township and if necessary, purchase a site or sites and erect a suitable building or buildings thereon; provided, that if, at the said election, more votes are cast against the proposition for centralization than for it, the question shall not again be submitted to the electors of said township district for a period of two years.

Conduct of election.

SECTION 3. All elections ordered by a board of education in pursuance of section two of this act shall be held at the usual place or places of holding township elections, at a regular or special election as may be determined by the board and notice shall be given and the election conducted in all respects as provided by law for the election of township officers, and the ballots shall have printed thereon: "For centralization—Yes." "For centralization—No."

Submission of question of issuing bonds.

SECTION 4. Should the board of education deem it necessary to issue bonds to purchase a site or sites or erect

a building or buildings for the purposes of such centralization, then the election shall be conducted as provided in section three of this act, but in such case the ballots shall have printed thereon: "For levying a tax to purchase ——— site (or sites) and erect ——— building (or buildings) for the centralization of schools at a cost not to exceed $———, yes." "For levying a tax to purchase ——— site (or sites) and erect ——— building (or buildings) for the centralization of schools at a cost not to exceed $———, no," and if more votes are cast in favor of levying said tax for said purpose than against said proposition, at such election, it shall be the duty of the said board of education, and the board of education is authorized to issue bonds and sell the same as provided by law and to levy a special tax to provide for the payment of the same together with interest thereon; provided, said levy shall not in any one year exceed five mills on the dollar valuation and said bonds shall not bear more than six per cent. interest and shall not be sold at less than their face value.

Board of education; election and term.

SECTION 5. In a township district in which proceedings have been had under the preceding sections of this act and the vote has been favorable for centralization, there shall be an election held on the next succeeding first Monday of April for the election of a board of education consisting of five members elected at large in said township district; one of whom shall serve for three years, two for two years and two for one year; and two members shall be elected annually thereafter for a term of three years, except, every third year but one shall be elected for three years. Said election shall be held at the annual voting place or places in said township, by the regular election officers and shall be conducted in all respects as provided by law for the election of township officers; provided, there shall be a separate ballot box, poll books and tally sheets, and said election officers shall receive no extra compensation for such services.

Abolishment of prior existing board; its successor.

SECTION 6. Upon the election, qualification and organization of the board of education provided for in section five of this act, the board of education previously existing in said township district shall cease to exist and the same is hereby abolished and the board of education provided for in this act shall be considered the successor of the former township board.

Township clerk ex-officio member of board and clerk. Township treasurer ex officio treasurer of board. What laws govern board.

SECTION 7. The clerk of the township shall be ex officio member of the board of education, provided for by this act and shall be clerk thereof; the treasurer of the township shall be ex officio treasurer of the board of education; provided, that in all other respects the laws governing village boards of education shall govern and control all boards of education organized as provided by this act.

Course of instruction.

SECTION 8. Boards of education in township districts organized as provided for by this act are required to maintain and support a graded course of instruction, and may

include a high school course of not less than two years; they are also required to furnish transportation to and from school, to all pupils living more than three-fourths of a mile from the central building, said distance to be measured from the enclosure immediately surrounding their residence to the school-house property, along the nearest public highway.

Transportation of pupils.

SECTION 9. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 204G.

[Senate Bill No. 165.]

AN ACT

To amend section 2804 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Boards of equalization.

SECTION 1. That section 2804 of the Revised Statutes of Ohio be amended so as to read as follows:

County board of equalization.

Sec. 2804. There shall be an annual county board for the equalization of the real and personal property, moneys and credits in each county to be composed of the county commissioners and county auditor, who shall meet for that purpose at the auditor's office, in each county, on the Wednesday after the third Monday in May, annually. The auditor shall appoint such messengers and clerks as the said board shall deem necessary, who shall receive not to exceed $3.00 per day for their services for the time actually employed, which shall be paid out of the county treasury. Said board shall have power to hear complaints, and to equalize the valuation of all real and personal property, moneys, and credits within the county, and shall be governed by the rules prescribed for the government of decennial county boards for the equalization of real property; provided, that said board shall not reduce the value of the real property of the county below the aggregate value thereof as fixed by the state board of equalization, nor below its aggregate value on the duplicate of the preceding year, to which shall be added the value of all new entries and new structures over the value of those destroyed, as returned by the several township assessors for the current year; provided, further, that except as to new structures, and structures destroyed, and lands and lots brought onto the tax list since the preceding decennial state board of equalization, the annual county board shall not increase or reduce the valuation of any real estate, except upon

Messengers and clerks of board; their compensation.

Powers and duties of board.

reasonable notice to all persons directly interested, and an opportunity for a full hearing of the question involved. Said board is authorized, by its president, or presiding officer pro tem., to administer oaths, call persons before them, and examine them under oath as to their own or other's property, moneys, credits and investments to be placed on the duplicate for taxation, or the value thereof, and order any property, moneys, credits, or investments to be placed on the duplicate, which have not been listed for taxation, and fix the value thereof according to law, and increase the valuation of such property, moneys, credits and investments as have, in their judgment, been listed at less than their true value in money, and reduce the value of such as have been appraised above their true value in money; and if any person notified to appear before them refuse or neglect to appear at the time required by said board, or appearing, shall refuse to be sworn, or to answer any question put to him by said board, or by its order, the presiding officer of said board shall make complaint thereof, in writing to the probate judge of the county, who shall proceed against such person in the same manner as is provided for in section twenty-seven hundred and eighty-three of this title; and the said board shall call each assessor before them, at least one day in each year, to aid them in their duties, and to furnish them information relative to the lists returned by him; and it shall be the duty of each assessor to appear before said board at least one day in each year, at the time required, and to furnish them with such information as he can pertinent to the matters coming before them; provided, that this board shall not be authorized to and shall not equalize the real and personal property, money and credits in cities.

Repeals.

SECTION 2. That section 2804 (86 O. L., 190) be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 205G.

[House Bill No. 96.]

AN ACT

To amend section 6968 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Birds, fish and game:

SECTION 1. That section 6968 be amended to read as follows:

SECTION 2. [6968.] No person shall draw, set, place, locate or maintain any pound-net, seine, fish-trap, trammel-net, gill-net, fyke or set-net or any device for catching fish in any of the waters, either natural or artificial, lying in the state of Ohio, or part therein, nor catch fish with any device in any of the waters of this state except with hook and line, with bait or lure. No person shall catch and take any bass less than six inches in length; nor buy, sell, offer for sale or have in possession any fish caught out of season, or in any manner prohibited. And all pound-nets, seines, fish-traps, trammel-nets, gill-nets, fyke or set-nets, or any device for catching fish, set, placed, located or maintained in or upon any of the waters of this state or on the shores of such waters, in violation of this act shall be deemed a public nuisance and shall be abated and destroyed. Provided, that nothing in this act shall prevent the taking of minnows for bate with nets, or shall prevent the fish and game commissioners of this state, or their authorized agents, from taking fish at any time or place, in any manner for the purpose of stocking ponds, lakes and rivers, and for the maintenance and cultivation of fish in hatcheries. Any person convicted of any violation of any of the provisions of this act shall be fined not less than twenty-five ($25) [dollars,] nor more than one hundred ($100) dollars, and in case of neglect or refusal to pay said fine, be imprisoned in the county jail or workhouse, and shall there remain for the full period of thirty days. And all fines collected under the provisions of this act shall go to the county fish and game fund in the county wherein such offense shall have been committed, unless otherwise directed and ordered by the fish and game commissioners of this state. And it is hereby made the duty of the chief warden, special warden, fish and game wardens and their assistants, of this state to prosecute all violations of this act, and all violations of sections 6960, 6961, 6963, 6964, 6966, and all laws enacted for the protection of birds, fish and game, in connection with the prosecuting attorneys of the counties wherein such offense shall have been committed, and such prosecuting attorneys shall be entitled to the same fees as are now allowed by law for the collection of forfeited bonds. And such chief warden, special wardens, fish and game wardens and their assistants shall have the same power to make arrests, subpœna witnesses and summons jurors to try all cases arising from violations of this act and all laws enacted for the protection of fish and game, and commit prisoners as the sheriffs in the counties of this state, and shall be entitled to the same fees for similar services. Provided, that nothing in this section shall apply to Lake Erie or any of the estuaries, inlets or bays thereof, or shall apply to artificial fish-ponds. And that nothing in this act shall be so construed as to prevent persons to gig, spear, or take with the device known as grab-hook any of the sucker variety or kind of fish, including carp, in any waters of the state, or prevent the taking of fish in any

Catching fish with prohibited devices.

Bass; unlawful traffic or possession.

Destruction of devices.

Bait; stocking hatcheries.

Penalty for violation.

Disposition of fines.

Prosecutions required under this and other sections.

Power of game wardens.

Lake Erie, artificial fish ponds, etc.

Varieties not included in provision of act.

formed by the receding
having no connection with

original section 6968 be and
repealed
shall take effect and be in force

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 206G

[House Bill No. 527.]

AN ACT

To amend section 4452 of the Revised Statutes of Ohio, as amended March 25th, 1898 (93 O. L., page 65).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4452 of the Revised Statutes as amended March 25, 1898 (O. L., vol. 93, page 65), said section is hereby amended so as to read as follows:

Sec. 4452. Said commissioners shall meet at the place and beginning of said ditch as described in the petition on the day fixed, as aforesaid, and hear any and all proof offered by any of the parties affected by said improvement, and by persons competent to testify; and shall go over and along the line of said improvement, and by actual view of the said ditch and the premises along and adjacent thereto and to be drained or benefited thereby, determine the practicability and necessity thereof, and may adjourn from time to time and to such place as the necessity of the work may require; and in case said commissioners find for said improvement, they shall fix a day for the hearing of application for any and all appropriations of land taken for said improvement and for damages said parties affected by said improvement or any of them may sustain thereby, and for the approval of the report of the county surveyor as hereinafter provided for.

SECTION 2. That said section 4452 as amended March 25, 1898 (O. L., 93, page 65), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 207G

[Senate Bill No. 83.]

AN ACT

To amend sections 1, 2 and 3 of an act entitled "An act authorizing the burial of honorably discharged ex-union soldiers, who served in the war of the rebellion of 1861 to 1865," passed April 11, 1884 (vol. 81, p. 146), amended March 31, 1891 (O. L., vol. 88, p. 330), also amended April 30, 1893 (O. L., vol. 90, p. 176), now including mothers, wives and widows of said ex-soldiers, also army nurses who served in the same war.

Be it enacted by the General Assembly of the State of Ohio:

Military affairs:

SECTION 1. That sections 1, 2 and 3 of an act entitled "An act authorizing the burial of honorably discharged ex-union soldiers, who served in the war of the rebellion of 1861 to 1865," passed April 11, 1884 (O. L., vol. 81 p. 146), as amended March 31, 1891 (O. L., vol. 88, p. 330), as also amended April 30, 1893 (O. L., vol. 90, p. 176), (Bates' annotated statutes, sections 3107-45-46-47) now including mothers, wives and widows of said ex-soldiers, also army nurses who served in the same war, be and the same is hereby amended so as to read as follows:

Burial of indigent soldiers and sailors and their mothers, wives or widows and army nurses.

Sec. 1. That it shall be the duty of the county commissioners of each county in the state to appoint three suitable persons in each township and ward in their respective counties, other than those prescribed by law for the care of paupers and the custody of criminals, whose duty it shall be to look after and cause to be interred, in a decent and respectable manner, in any cemetery or burial grounds within the state, other than those exclusively for the burial of the pauper dead, the body of any honorably discharged soldier, sailor or marine, having at any time served in the army or navy of the United States, their mothers, wives or widows, and army nurses, who did service at any time in the army of the United States who shall hereafter die, not having means to defray the necessary funeral expenses, at a cost not to exceed thirty-five dollars. The undertaker must use certain forms and contracts herein prescribed and hereafter described, and abide by rules and regulations provided for by this act. Such persons so appointed shall hold their appointment so long as they serve to the satisfaction of the county commissioners, and whenever a vacancy occurs from any cause, it shall be the duty of the commissioners to fill such vacancy by the appointment of other suitable persons.

Duties of persons to have charge of such burial.

Sec. 2. It shall be the duty of the persons so appointed in the foregoing section, before they assume the charge and expenses of such burial, to first satisfy themselves beyond a doubt, by careful inquiry, that the family of such soldier, wife, widow or mother and dependent father, also army nurse, as before mentioned, is unable, for want of means, to defray the expenses of such funeral or burial, or that defray the expenses of such funeral or burial, or that defraying such expenses, the family will be deprived of means actually necessary for the immediate support.

Whereupon, if they find such inability to exist, they shall cause to be buried such soldier, sailor or marine, their wives, widows or mothers, also army nurses, as provided in section 1 of this act; and that they shall also report the same to the county commissioners of their county, setting forth the fact that they found the family of such deceased soldier in indigent circumstances, and unable to pay the expenses of burial, together with the name, rank and command to which he belonged as a soldier or sailor, the date of death, the place where buried, and his occupation while living, also an accurate itemized statement of the expenses incurred by reason of said burial; the report to be duly attested by three reputable persons, residents of the township or ward in which the deceased soldier, sailor or marine, their wife, widow, mother or army nurses lived and who knew the deceased in life, and knowing the facts of the indigency and inability of the family to pay said funeral expenses; provided, however, that in any county in this state, where there is a home for indigent mothers, wives or widows of soldiers, and also for army nurses, upon the death of any inmate of said home, the matron of the home may upon certificate, signed by the attending physician of said home, certify to the death of said inmate to the commissioners of the county from which the mother, wife, widow or army nurse was admitted to said home, and said commissioners shall proceed as provided in section 3 of this act. The undertaker so employed to perform such service herein described shall use blanks herein provided, specifying what he is to furnish for such service, signing the contract and leaving a copy with the person or persons to whom he makes his contract, to read:

Form of undertaker's bid.

————————, 19—

I, ————, undertaker, residing ————, hereby agree to furnish the following items for the burial of ————, who resides at ————, and died ————, 19 ——. Namely, one casket nicely covered with a good quality of black cloth, lined with good quality of white satin, or other material of good quality, and trimmed outside with six handles of a fair quality in keeping with the casket; one burial robe of good [quality] material; one plain box for receiving the coffin inside the grave; to pay for digging the grave in the cemetery, chosen by the friends of the deceased or otherwise provided, and fill up the grave in a proper manner; to furnish respectable hearse for conveying the remains to the cemetery; to prepare the body for burial when so requested; to furnish two carriages of four passenger capacity for use of the friends and one carriage of equal capacity for the pall-bearers, returning the same people to their respective homes or place of starting. In fact, to furnish a decent, respectable funeral for the sum of ——— dollars. I further agree that if the above bid is accepted by the party or parties in charge of the remains, I will not ask or receive from the family any

additional amount over and above my bid upon the penalty of forfeiting the whole amount. Signed ————

I hereby certify that Mr. ————, undertaker in charge of the burial of my ————, has well and faithfully performed his duty as in accordance with his contract.

Signed ————,

(Next of kin or near friends of the deceased.)

Itemized bill and contract to be presented to county auditor.

The undertaker must present his itemized bill and contract to the county auditor, using only blanks herein described, making oath that he has honestly and faithfully performed his contract, and that the bill and contract attached herewith presented is a true copy of the one left with the parties who engaged his services before he can get his warrant. County auditors are hereby authorized by this act to have printed necessary blanks hereby described and distribute the same to the clerks of each township in their counties from whom undertakers can procure them or at the county auditor's office. If, by reason of donations of carriages, owning cemetery lot, or other items mentioned in the bill of particulars, money is saved, it shall go to the families or friends of the deceased, who may have cared for the deceased in life, or remain in the general expense fund, at the discretion of the committee. Should it appear that a life insurance or fraternity fund would be coming to the family of the deceased, the committee are to withhold their signatures until such matter is definitely settled.

Commissioners record of burials; payments.

Sec 3. It shall be the duty of the county commissioners upon securing the report and statement of the expenses provided for in section 2 of this act, to transcribe in a book to be kept for that purpose, all the facts contained in that report, concerning said deceased soldier, etc., shall certify to the expenses thus incurred to the county auditor, who shall draw his warrant for the same, payable to the person or persons designated by the county commissioners, upon the county treasurer, to be paid out of the county fund of said county.

Headstone.

It shall be the duty of the county commissioners, upon the death and burial of any such soldier, sailor or marine, their wife, widow or mother, also army nurse, residing within their county at the time of his or her death, to make application to the proper authorities, under the general government, for a suitable headstone, as provided by act of congress, and cause the same to be placed at the head of the deceased soldier, wife, widow, mother or army nurse's grave.

Repeals.

SECTION 2. That sections 1, 2 and 3, as amended April 13, 1893, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.

JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 208G

[illegible] States of Ohio.

[illegible] State of Ohio:

[illegible] Revised Statutes

[illegible] as may appropriate,

[illegible] limits

[illegible] be taken or

[illegible] purpose

[illegible] and extend-

[illegible] gravel or

[illegible] and for

[illegible] limited to

[illegible] for the use

[illegible] offices.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] not less than

[illegible] opposite politics,

[illegible] village or city, or in

[illegible] purpose and appro-

[illegible] by a majority

[illegible] for this purpose

[illegible] limited to lands lying

[illegible] such affirmative vote the

[illegible] power to issue the bonds

[illegible] the amount so fixed

[illegible] as to the

[illegible]

[illegible] and electric light purposes; and

[illegible] the right to appropriate shall not be

[illegible] the corporation.

[illegible] for school-house sites and grounds; and for this purpose the board of education shall select the site and recommend the appropriation; and for university sites and grounds, and for this purpose the board of directors of a university whose property is exclusively owned and whose directors are appointed by the municipal corporation, shall select the site and recommend the appropriation.

14. For public cemeteries; for which purpose the

right to appropriate shall not be limited to land lying within the corporation but no land shall be appropriated under this provision until the court is satisfied that suitable premises can be obtained by contract upon reasonable terms; and no land shall be appropriated upon which there may be a dwelling house, orchard or nursery, or any valuable mineral or other medicinal spring or well actually yielding gas, oil or salt water; nor shall land be appropriated for such purpose within one hundred yards of any dwelling house.

15. For public wharves and landings on navigable waters.

16. For levees to protect against floods; and for this purpose the corporation shall have the power to appropriate, enter upon and take private property lying outside of the corporate limits; and may extend and strengthen its levees and embankments along a river or stream adjacent to the limits of the corporation, and may widen the channel of such river or stream.

17. For necessary bridges.

18. For constructing, opening, excavating, improving, deepening, enlarging, straightening, and extending any canal, ship-canal or watercourse, located in whole or in part within the limits of the corporation, which is not owned in whole or in part by the state, or by a company or individual authorized by law to make such improvement.

19. For sewers, drains and ditches; and for this purpose the corporation shall have power to appropriate, enter upon and take private property lying outside the corporation limits; but no lands not subdivided in lots or parcels of more than ten (10) acres, or tenements annexed or appropriated, shall be taxed at a higher rate than that in the township from which said lands and tenements were taken so long as said lands and tenements are used for agricultural purposes only.

20. For public urinals, water-closets and privies.

21. For lighting for any public use.

SECTION 2. That section 2232 of the Revised Statutes is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 209G.

[House Bill No. 563.]

AN ACT

To amend section 2104 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Reformatory institutions, etc.:

SECTION 1. That section 2104 of the Revised Statutes of Ohio be amended so as to read as follows:

Expense of maintaining workhouse; how paid.

Sec. 2104. The expenses of maintaining and administering the affairs of workhouses over the receipts for the labor of persons confined therein, and from other sources, shall be audited and paid from time to time, by the council of the corporation; and a tax for such expenses shall be levied and collected as part of the ordinary expenses of the corporation, provided, that in any county containing a city of the second grade of the first class, where a workhouse is established and maintained by such city, the expense of maintaining persons sentenced to such workhouse by any court or magistrate in such county for offenses against the law of the state, over the receipts for the labor of such persons, shall be paid out of the county treasury upon the allowance of the county commissioners, and the commissioners and the director of charities and correction of such city shall agree upon the per diem sum to be paid by the county for such maintenance, and which shall not be less than the actual cost thereof as ascertained by the said director, and the amount fixed shall be paid to the director of such workhouse. The per diem amount to be paid shall be fixed yearly, but the per diem previously fixed shall continue until the new determination; settlements and payments shall be made quarterly. And provided further, that section two thousand and ninety-nine, in so far as it authorizes and requires trustees of townships to transmit, with the commitment or mittimus, a sum of money equal to forty cents per day for the time of commitment, shall have no application in any county containing a city of the second grade of the first class. And it is further provided, that whenever a fine and costs are imposed on any offender by the police court in any city of the second grade of the first class, for a violation of any ordinance of such city, now in force, or which may hereafter be in force, and it is made part of the sentence that such offender shall stand committed until the fine and costs are paid, or until otherwise discharged in due course of law, and such offender shall pay such fine and costs, or any part thereof, in money to the director of charities and correction at any time after being confined in said workhouse, it shall be the duty of said director to discharge such offender, and the fine and costs so received by the director shall be paid into the city treasury to the credit of the police court fund. And in all cases where inmates of the workhouse in any such city are sentenced by any court within such city or within the county containing such city, to stand committed until fine and costs are paid, it shall be the duty of the director to estimate and allow

Per diem to be paid; how fixed.

each of such inmates the full value of his or her labor and earnings at a rate not less than twenty cents per day, and with the addition of as much more than that sum per day as he or she shall, in his judgment earn, and apply the same in payment of his or her fine and costs, unless such fine and costs shall otherwise be paid or remitted, or such inmate be otherwise discharged acording to law. And it is further provided, that all money derived from the product of the labor of all inmates committed to the workhouse under any law or ordinance, who may work out any fine or costs or part thereof, shall be for the sole benefit of the workhouse, and shall be paid into the city treasury to the credit of the workhouse fund.

Repeals.

SECTION 2. Section 2104 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 210G.

[House Bill No. 880.]

AN ACT

To amend section 553 of the Revised Statutes of Ohio, as amended April 23, 1898 (O. L., vol. 93, p. 213).

Be it enacted by the General Assembly of the State of Ohio:

Provisions for courts of record:

SECTION 1. That said section 553 of the Revised Statutes of Ohio be amended to read as follows:

Court constables; duties.

Sec. 553. The court of common pleas and circuit court in any county, and the superior court in any city or county, and the insolvency court and probate court in any county containing a city of the first class (except fourth grade), and of the first grade of the second class, may each appoint one or more constables to preserve order and discharge other duties as the court requires; and in any county containing a city of the second grade of the second class, the constables so appointed by the court of common pleas shall perform the same duties in the probate court; and each constable, when so directed by the court, shall have the same power to call and impanel jurors, which by law the sheriff of the county has, except in capital cases. The compensation of such constables shall be the same as that of regular jurors, except in the counties containing a city of the first grade of the first class and of the first grade of the second class, and of the second grade of the first class, the compensation of all court constables shall be one thousand dollars per annum each; and in counties containing a city of the second grade of the

Compensation

second class, or second class, third grade *b*, the compensation of each court constable shall be eight hundred dollars per annum, payable monthly; and in all counties having a population of not less than eighty-four thousand one hundred and fifty and not more than eighty-four thousand two hundred and fifty at the federal census of 1890, it shall be six hundred dollars per annum, and in counties containing cities of the third grade of the first class the compensation of such constables so appointed by the court of common pleas shall be six hundred dollars ($600) per annum, and of those so appointed by the circuit court four hundred dollars ($400) per annum; and in all cases shall be paid out of the county treasury on the order of the court.

Repeals, etc.

SECTION 2. That said section 553 be and the same is hereby repealed; and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 211G

[House Bill No. 591.]

AN ACT

To authorize the trustees of the Dayton state hospital to dedicate a certain strip of land to the county of Montgomery, state of Ohio, for use of the public as a county road.

Be it enacted by the General Assembly of the State of Ohio:

Dedication to city of Dayton for road purposes of strip of land belonging to Dayton state hospital.

SECTION 1. That the trustees of the Dayton state hospital are hereby authorized and empowered in their discretion to dedicate to the county of Montgomery, state of Ohio, for use of the public as a county road, the following described strip of land, situate in section 32, town 2, range 7, M. R's, in Van Buren township of said county, and being that portion of a proposed county road fifty (50) feet wide running through and alongside of the lands of the Dayton state hospital in said township and county, the portion of the same to be dedicated as aforesaid being that portion of said proposed road owned by the state of Ohio extending westward 746 feet from the Dayton and Wilmington pike, as shown in the plat and description thereof, and as laid out and granted by the commissioners of said county, said road having been petitioned for by John Kirchner and others and being described in the road records of said county, wherein all of the proceedings in the matter of the aforesaid proposed road are recorded.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 212G

[Senate Bill No. 194.]

AN ACT

To supplement section 3751 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sections be enacted as supplemental to section 3751 of the Revised Statutes and with the sectional numbering as herein provided: Colleges, etc.

Sec. 3751-*b*. A corporation may be formed for the promotion of academic, collegiate or university education, under religious influences, and is hereby authorized and empowered to set forth in its articles, or certificate of corporation, as a part of the same, the name of the religious sect, association or denomination with which it proposes to be connected, and it is further authorized and empowered to grant any ecclesiastical body of such religious sect, association or denomination, whether the same be a conference, association, presbytery, synod, general assembly, convocation or otherwise, the right to appoint its trustees or directors, or any number thereof; and it is further authorized and empowered to set forth in its articles or certificate of corporation, such other rights as to the administration of the purpose for which it is organized, and not inconsistent with the laws of this state or of the United States, as said incorporation may desire to confer upon said ecclesiastical body of such religious sect, association or denomination and the said ecclesiastical body of such religious sect, association or denomination shall possess and exercise all rights and powers so set forth in said articles, or certificate of corporation. Incorporation of colleges under ecclesiastical patronage; what articles shall contain.

Sec. 3751-*c*. Any corporation formed for the promotion of academic, collegiate or university education, under religious influences, which has been incorporated under the laws of this state, whether by special act of the legislature or otherwise, may avail itself of the provisions of the preceding section, as a part of its articles or certificate of incorporation, and may confer on any ecclesiastical body of such religious sect, association or denomination, as it is now, or proposes to be connected with, whether the same be a conference, association, presbytery, synod, general assembly, convocation or otherwise, any or all of the rights, powers or privileges provided by the preceding section Existing corporations may avail themselves of provisions of act; how.

to be conferred on corporations hereafter organized, and may accept the provisions of such preceding section by a vote of the majority of the trustees of such corporation at any regular meeting; and when so accepted, a copy of said acceptance, certified by the secretary or clerk of its board of trustees or directors, shall be sent to the ecclesiastical body with which it is now or proposes to be connected; if such ecclesiastical body agree to accept the powers proposed to be conferred upon it, it shall certify its approval upon such certified copy sent to it, and the same shall thereupon be filed in the office of the secretary of state; and, when so filed, the same shall become and be a part of the charter of said corporation; and said ecclesiastical body of such religious sect, association or denomination, whether the same be a conference, association, presbytery, synod, general assembly, convocation or otherwise, shall possess and exercise all the rights and powers so set forth in said articles or certificate of corporation.

Copy of acceptance of provision to be filed with secretary of state.

SECTION 2. This act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 213G.

[Senate Bill No. 182.]

AN ACT

To supplement section 4364–9 of the Revised Statutes of Ohio as amended February 20, 1896 (Ohio laws, vol. 92, p. 34), relating to the trafficking in spiritous, vinous, malt or any intoxicating liquors.

Be it enacted by the General Assembly of the State of Ohio:

Intoxicating liquors;

SECTION 1. That the following sections be enacted as supplementary to section 4364-9 of the Revised Statutes of Ohio as amended February 20, 1896 (O. L., vol. 92, p. 34), with sectional numbering as herein provided.

Notice by probate court to persons unlawfully selling liquors.

Sec. 4364-9*a*. Upon complaint in writing by any person verified by affidavit filed in the probate court of any county in the state of Ohio that any person, corporation or co-partnership is engaged in such county in trafficing in spiritous, vinous, malt or any intoxicating liquor and whose name does not appear on the auditor's duplicate in such county as a person, corporation or co-partnership engaged in such traffic, has refused or neglected to pay the assessment made upon such business, commonly known as the "Dow tax," by the provisions of section 4364-9 of the Revised Statutes of Ohio, as amended February 20, 1896 (O. L., vol. 92, p. 34), the probate court shall forthwith issue notice to such person, corporation or

co-partnership of the filing of said complaint and requiring such person, corporation or co-partnership to appear before said court at a time therein mentioned, not to exceed four days from the date of the issuing of said notice and show cause why said business should not be entered upon the duplicate of said county for assessment, and said notice shall be directed to the sheriff of said county and shall be served and returned by him within the time hereinbefore named in the same manner as summons is served in civil action.

Security may be required of complainant.

Sec. 4364-9*b*. The probate court shall have authority to require of the person making complaint, as provided in the preceding section, security for costs and upon the hearing of such complaint each party shall be entitled to have subpoenaed and may examine witnesses for and against said complaint; and if, upon the hearing of such complaint the probate court finds against the same, all costs shall be taxed to and paid by complainant, but if said court finds the statements in said complaint to be true, all costs shall be taxed to and paid by the person, corporation or co-partnership complained against.

How costs paid.

Finding against the accused.

Sec. 4364-9*c*. If upon hearing the complaint, provided for in section 4364-9*a* of this act, the probate court shall find in favor of the complainant and that the person, corporation or co-partnership therein named is engaged in trafficing in spiritous, vinous, malt or any intoxicating liquors in said county and has refused or neglected to pay the assessment made thereon, commonly known as the "Dow tax," said court shall immediately certify its findings together with a statement of the amount of all costs (if not paid) to the auditor of said county and said auditor shall forthwith place the said business of such person, corporation or co-partnership, liable to assessment or increased assessment, upon his duplicate and the treasurer's copy thereof, and the said auditor shall add to any assessment or increased assessment or penalties due under any law in force against said business, an additional penalty of one hundred dollars, together with the amount of all costs certified to by the probate court under the provisions of this act, and the same shall become a lien upon the real property on and in which such [such] business is conducted, as provided in section 4364-10 of the Revised Statutes of Ohio, and said assessment, increased assessment, penalties and costs shall be collected by the county treasurer as is provided in section 4364-15 of the Revised Statutes of Ohio.

Auditor to place business upon duplicate.

Penalty and costs.

Distribution of revenues and penalties.

Sec. 4364-9*d*. The revenues and penalties resulting under the provisions of this act, when collected, shall be distributed, as is provided in section 4364-17 of the Revised Statutes of Ohio, except costs which shall be paid to the probate court on the warrant of the county auditor.

Fees of officers and witnesses.

Sec. 4364-9*e*. The probate judge, sheriff and witnesses for services rendered under the provisions of this

act shall receive the same fees as are allowed by law in other cases for like services, and this act shall take effect and be in force on and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.
Passed April 16, 1900. 214G

[Senate Bill No. 139.]

AN ACT

To amend section 4775 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

One mile assessment pikes:

SECTION 1. That section 4775 of the Revised Statutes of Ohio be amended so as to read as follows:

Appointment of road commissioners.

Sec. 4775. Thereupon the commissioners shall appoint three judicious freeholders of the county resident within the bounds of said road, to be commissioners of such free turnpike road, who, by the name fixed by the county commissioners, shall be a body corporate, for the purpose of laying out and establishing a free turnpike road between the points within such county named in the petition, and the county commissioners shall appoint such persons to be commissioners of such free turnpike road as may have been recommended by petition of a majority of the land owners if any such recommendation be so made; the petition, and the appointment of such commissioners, shall be entered upon the minutes of the proceedings of the board of county commissioners, and a certified copy of such entry furnished to the road commissioners, by the clerk of the board, upon demand therefor; and the board of county commissioners may remove, for cause, any or all of the commissioners of any free turnpike road, when petitioned so to do, by a majority of all the land owners residing within the county, who own lands within the bounds of such road; but on the removal of any such commissioners, the vacancy shall be at the same time filled by the appointment of some other free holder of the county; and the commissioners shall appoint such person as may have been recommended by petition of a majority of the land owners if any such recommendation be so made.

Repeals.

SECTION 2. That said original section 4775 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.
Passed April 16, 1900. 215G

[Senate Bill No. 230.]

AN ACT

To provide for levying a county road tax in certain counties for which no such provision is made, and to supplement section 2824 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Levying taxes:

SECTION 1. That the following section be enacted as supplementary to section 2824 of the Revised Statutes of Ohio, as amended May 1, 1894 (91 O. L., 196), with sectional numbering as follows:

Levy in Hamilton county for road purposes.

Sec. 2824-6. In any county of the state containing a city of the first grade of the first class, in which the valuation of taxable property exceeds one hundred and twenty millions dollars, it shall be lawful for the commissioners of such county and they are hereby empowered, at their June session in each year, to levy on each dollar of the valuation of taxable property within the county, not exceeding one-fourth of a mill for road purposes, to be expended, by and under the direction of the commissioners, in constructing, improving or repairing state, county or township roads and highways.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 216G

[Senate Bill No. 103.]

AN ACT

Providing for the payment of certain expense incurred by various organizations of the Ohio national guard.

Preamble:

WHEREAS, The state of Ohio should be properly represented on public occasions, through its military organizations, and otherwise; and

WHEREAS, The fifth regiment of infantry, the fourth regiment of infantry, unattached companies "C," of Zanesville; "F," of Wilmington, and "L," of Middletown, and battery "B," of Cincinnati, aggregating 1124 men of the Ohio national guard, accepted an invitation to participate in the ceremonies incident to the public reception of Admiral George Dewey, in the city of New York, during the month of September, 1899, and thereby, in pursuance of orders to that effect from the commander-in-chief, incurred considerable expense; therefore

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for certain military organizations.

SECTION 1. That there be, and is hereby appropriated out of the funds in the state treasury heretofore appropriated for "pay of Ohio national guard," the sum of $11,240 to pay the expense incurred by said organizations, by reason of participation in the said public reception of Admiral George Dewey. The auditor of state is directed to draw his warrant for said amount, payable to the commanding officers of said organizations upon vouchers approved by the adjutant-general of Ohio. Provided, that any such expenses which have been already paid by citizens of this state, shall, upon demand made by such citizens within six months from the passage of this act, be paid by such commanding officers to such citizens, and if such demand is not made within such period of six months, the amount of such expenses which have been already paid, shall be paid into the general fund of the state, for the use of the Ohio national guard.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 217G

[Senate Bill No. 309.]

AN ACT

To amend sections 2813, 2815 and 2818, of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Boards of equalization:

SECTION 1. That sections 2813, 2815 and 2818, of the Revised Statutes of Ohio, be amended so as to read as follows:

County board of equalization; how constituted; time of meetings, etc.

Sec. 2813. The auditor, surveyor and commissioners of such county shall compose the county board of equalization of the real property within the county, except that within any city of the first or second class; and they shall convene at the office of the county auditor on the third Monday of July, one thousand nine hundred, and every tenth year thereafter; and shall close their session on or before the first Monday in October then next following; and each shall be sworn, faithfully and impartially, to equalize the value of real estate within the county that is within their jurisdiction, according to law; any three of them shall form a quorum, and the auditor shall keep a full

and accurate record of the proceedings and orders of the board.

City board; how constituted and organized.

Sec. 2815. In each city of the first and second class there shall be a decennial board for the equalization of the value of the real property within such city, to be composed of the county auditor, and six citizens of such city, appointed by the council thereof, except that in cities of the first grade of the first class, said six members shall be appointed by the city comptroller of such city, and shall consist of three members of each of the two leading political parties. Said board shall convene at the office of the county auditor, on the first Monday of August, in the year one thousand nine hundred, and every tenth year thereafter, and shall close its session on or before the third Monday in October then next following; and they shall severally take the same oath as that prescribed for the decennial county board; and a record of the proceedings and orders of said decennial city board of equalization shall be kept by the auditor.

Decennial state board of equalization; constitution and election.

Sec. 2818. The state board of equalization shall consist of as many members as compose the state senate, chosen at the last previous election of members of the general assembly and representing the same districts, all of whom shall have the qualifications of electors, and the qualified electors of each senatorial district shall, at the November election in the year one thousand nine hundred, and each tenth year thereafter, elect persons to serve as members of such board of equalization in accordance with the provisions of this chapter, and the returns of the poll books and certificate of election shall be governed by the law regulating the election of senators; and in case of vacany in such office, either by death or resignation, or otherwise, the governor of the state shall have the power to appoint a person who shall be a resident elector of the district so vacated, to fill such vacancy as soon as he shall be informed thereof; the auditor of state shall, by virtue of his office, be a member of this board. The said board shall meet at Columbus on the first Tuesday of December, one thousand nine hundred, and every tenth year thereafter, and shall close its session on or before the first Monday in May then next following; and the members thereof shall each take an oath that he will, to the best of his knowledge and ability, so far as the duty devolves on him, equalize the valuation of real property among the several counties and towns in the state, according to the rules prescribed by this table for valuing and equalizing the value of real property transmitted to him by the several county auditors. Said board shall proceed to equalize the same among the several towns and counties in the state, in the manner hereinafter prescribed.

Vacancy.

Board to meet at Columbus; when.

Oath; duties of board.

Repeals.

SECTION 2. That said original sections 2813, 2815 and 2818 be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 218G

[Senate Bill No. 132.]

AN ACT

To amend section 5301 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Exceptions.

SECTION 1. That section 5301 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

When bill of exceptions must be presented for allowance; absence, sickness, death, expiration of term or other disability of trial judge or judges; pending cases.

Sec. 5301. When the decision is not entered on the record, or the ground[s] of the objection do not sufficiently appear in the entry, or the exception is to the decision of the court on a motion to direct a non-suit, or to arrest the testimony from the jury, (1) or for a new trial for misdirection by the court to the jury, (2) or because the verdict, or if a jury is waived, the finding of the court is against the law and the evidence, (3) or on the admission or rejection of evidence, the party excepting must reduce his exceptions to writing and present the same to the trial judge or judges for allowance within fifty days after the overruling of the motion for a new trial, or the decision of the court where a motion for a new trial is not necessary; provided, that in case the trial judge or judges be absent from the district or circuit when such bill of exceptions is so prepared for allowance, then the same may be deposited within said fifty days with the clerk of the court for the examination and allowance by such trial judge or judges, who shall be required to sign the same, if correct, on or before the fifth day of the term of the court next ensuing after the expiration of said fifty days; and provided further, that in case the trial judge of any district is sick and unable to attend such signing, or in case of the death of such trial judge, or expiration of term of office or other disability, the said bill of exceptions so prepared for allowance may be presented to any judge of such district, and upon examination of the same and being satisfied that the same is correct, or if not correct, he shall correct the same, or furnish therewith to counsel written minutes wherein the same is to be corrected, and when corrected accordingly, he shall sign the same on or before the expiration of said fifty days. This provision shall be held to apply to cases pending, and to cases pending for the allowance of a bill of exceptions upon the passage of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 219G

[Senate Bill No. 209.]

AN ACT

To amend and reënact sections 4 and 5 of an act of the general assembly passed May 2, 1871 (68 O. L., page 122), said sections being designated in Bates' annotated Ohio statutes as 3107–15 and 3107–16.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4, and also designated as section 3107-15, be amended and reënacted so as to read as follows: Military affairs:

Sec. 4. That whenever the original trust provides for building a soldiers' monument, it shall be within exclusive discretion of the trustees so appointed by the court of common pleas, as heretofore provided, or a majority thereof, to determine whether to use said trust moneys, property, and assets, in the erection of a soldiers' monument, or of a monumental building, and in either case to determine exclusively the cost, mode, style, place, and manner of its erection, and in case of a monumental building, the uses and purposes to which the same shall be put in the future, except as provided in the next section of this act, and having arrived at such determination, they shall be, and are hereby authorized and required to proceed at once to erect such monument or monumental building, and to expend the trust funds and its increase for that purpose, with any other moneys or property that may be donated to them for that purpose, or received by them from any other party or parties, by virtue of any arrangements to build conjointly or otherwise, which they, in their judgment, may think best to make, and to select the site or location therefor, and to purchase from the said funds, if necessary, the requisite grounds, and take title thereto, in the name of said trustees and their successors, forever. Discretion of trustees as to monument.

SECTION 2. That said section 5, and also designated as said section 3107-16, be amended and reënacted so as to read as follows:

Sec. 5. In case of the erection of a monumental building, as heretofore provided, there shall be therein placed a permanent tablet, or tablets, on which shall be inscribed the names of all persons who entered the union army from such county, during the war of the late rebellion, and lost Contents of tablets.

their lives therein, and their services may be perpetuated in any other manner which the said trustees, or the majority thereof, may, in their discretion, deem expedient; and there shall be a suitable hall provided in said building by said trustees in which the said tablet or tablets shall be placed and which shall be used as a place for holding meetings by posts of the grand army of the republic, and their auxiliary relief corps or organizations, located in the same municipal corporation in which the said building is situated, and said posts and auxiliary [corps and] organizations shall have the right to use the same as long as they maintain themselves as organized bodies, pursuant to the rules and regulations of the associations to which they may belong; and this provision shall be applicable to said building whether it shall have been built before the passage of this act, or shall be built after its passage.

Hall for grand army of the republic and auxiliary bodies.

Repeals.

SECTION 3. That said sections 4 and 5 of said act of the General Assembly, passed May 2, 1871, and also sections 3107-15 and 3107-16 in Bates' annotated Ohio statutes, be, and the same are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 220G

[House Bill No. 874.]

AN ACT

To further supplement section 3821 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Savings and loan associations:

SECTION 1. That section 3821 of the Revised Statutes of Ohio be further supplemented by an additional section as follows:

May exercise powers of safe deposit and trust company when having requisite capital in Toledo and Columbus.

Sec. 3821*gg*. That any company now or hereafter incorporated under the laws of the state of Ohio, as a savings and loan association, and having a paid up capital stock of not less than two hundred thousand dollars, and organized and doing business in any city of the third grade of the first class or first grade of the second class, may also engage in business as a safe deposit and trust company, under and in accordance with the provisions of sections 3821*a*, 3821*b*, 3821*c*, 3821*d*, 3821*e*, 3821*g*, of the Revised Statutes of Ohio.

Stockholders consent necessary.

Provided, however, that no such company shall be authorized to engage in business as such safe deposit and trust company, until after the holders of at least two-thirds in amount, of the capital stock of such company shall have voted in favor of so doing, at a meeting of the stock-

holders called for the purpose of considering such question. Upon the stockholders of any such company voting in favor of a resolution to engage in business as a safe deposit and trust company, as provided in this act, the president and secretary of such corporation shall make, and file with the secretary of state a certificate under the seal of such corporation, showing the action of the stockholders in this behalf, and the number of shares voted in favor of the proposition, and thereupon such corporation shall have all the powers, and be subject to all the regulations, obligations, liabilities and conditions which safe deposit and trust companies have and are subject to, under the several sections of the Revised Statutes to which this act is supplemental.

Certificate to be filed with secretary of state; what it shall contain.

SECTION 2. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 221G

[House Bill No. 785.]

AN ACT

To provide for the placing of low-water alarms on steam boilers, and providing a penalty for non-compliance with the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That all stationary steam boilers operated or used, or caused to be operated or used, by any person, firm or corporation, within the state of Ohio, shall have upon them a low-water safety alarm column, which shall sound an alarm for the purpose of calling the attention of the engineer, fireman or person in charge of any such boiler to the depth of water in the boiler before the same reaches the danger point. That the said low-water safety alarm column shall be a type capable of being tested easily by the chief inspector of workshops and factories, or any of his district inspectors, and shall be so connected with the boiler that the low-water alarm will be sounded when there is not less than two inches of water over the highest point of the tubes or crown sheets. That the chief inspector of workshops and factories, or any of his district inspectors, shall be authorized to enter upon the premises of any person, firm or corporation within this state for the purpose of inspecting any stationary steam boiler to ascertain as to whether it is equipped as above.

Low-water alarms to be placed on steam boilers.

Authority of chief inspector of workshops or deputy as to inspection.

SECTION 2. It shall be unlawful for any person, firm or corporation to operate any stationary steam boiler without be [being] equipped with a low-water alarm column after the date herein specified.

Unlawful to operate boiler without alarm.

Notice to operators by chief inspector of workshops.

SECTION 3. The chief inspector of workshops and factories is hereby authorized to enforce the provisions of this act, and he shall notify or cause to be notified all persons, firms or corporations within the state of Ohio who operate or use, or cause to be operated or used, stationary steam boilers, to comply with the provisions of this act, which notification shall be in writing and may be served by the district inspector or be mailed to the last known address of such person, firm or corporation, by the chief inspector of workshops and factories, which service shall be deemed sufficient notice for the purpose of this act.

Penalty.

SECTION 4. Any person, the members of any firm, or the board of directors of any corporation violating any of the provisions of this act, or who shall refuse or neglect to comply with any of its provisions, or any order which may have been issued by the chief inspector or caused to be issued by him, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five (25) dollars nor more than fifty (50) dollars and costs, or by imprisonment in the county jail of the county where conviction was had for a period of not less than thirty (30) days nor more than ninety (90) days, or both, such fine and imprisonment at the discretion of the court, for each and every offense.

When act takes effect.

SECTION 5. This act shall take effect and be in force from and after November 15, 1900.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 222G

[Senate Bill No. 243.]

AN ACT

To amend section 2142, Revised Statutes of Ohio, providing for the control of quarantine grounds and relating to the power of boards of health, enabling municipalities to erect and maintain sanitary plants.

Be it enacted by the General Assembly of the State of Ohio:

Board of health:

SECTION 1. That section 2142 of the Revised Statutes of Ohio be amended so as to read as follows:

Quarantine grounds.

Sec. 2142. Any city, village, hamlet or township, may establish a quarantine ground or grounds, within or without its own limits, but if such place be without its limits, the consent of the municipality or township within which it is proposed to establish it, shall be first obtained;

Control of grounds.

and the board of health within the city, village, hamlet or township having quarantine grounds or dump grounds, shall have exclusive control of the same.

Definition of "sanitary" plant.

Sec. 2142*a*. The expression "sanitary plant" as herein used, shall be held to mean a structure with the necessary land and all the necessary fixtures and appliances and appurtenances required for the treatment and purification and disposal, in a sanitary manner, of either or both the liquid or solid wastes of the municipality. Upon the recommendation of the board of health of any city, village, or hamlet, or if in any municipality, the powers usually vested in a board of health, have been vested in any other officer or board, then upon the recommendation of such officer or board, the city council, legislative body or other governing board, of any municipality, is hereby authorized to cause plans and estimates to be prepared and to acquire by condemnation or otherwise such land or lands within or without its corporate limits, as may be necessary to provide for the proper disposal, in a sanitary manner, of the sewage and the garbage and waste matters, or either or any of them of the municipality, and such council, legislative body or other governing board of the municipality, is hereby authorized, upon first obtaining the approval of the state board of health, to contract for, erect and maintain a sanitary plant or plants, on the land or lands acquired under the provisions of this act, together with all buildings, machinery, appliances and appurtenances, necessary for the disposal, in a sanitary and economic manner, of the sewage and garbage, night-soil, dead animals, offal, spoiled meats, and fish or any putrid substance, or any liquid or solid wastes, or any substance injurious to health of the municipality.

Plans and estimates; condemnation of lands for sanitary plant.

Collection, removal and disposal of garbage, night-soil, etc.

Sec. 2142*b*. The said council, legislative body or other governing board, is hereby authorized to contract, for a period not exceeding five years for the collection and removal and disposal of such garbage, night-soil, dead animals and other solid waste substances, at the expense of such municipal corporation, or at the expense of persons responsible for the existence of such waste substance.

How funds raised for such purpose.

Sec. 2142*c*. For the purpose of carrying into effect the foregoing powers, the councils of cities, legislative bodies or governing boards of any municipal corporation or township may use any funds raised, or heretofore authorized in any manner and necessary for said purposes, and in case no funds are available and no bonds have been heretofore authorized for said purposes, and it be necessary to issue and sell bonds for said purposes, then the question of issuing any bonds of the municipality shall be submitted at an election conducted therefor in conformity with provisions of section 2836, except that a majority of the votes cast shall be deemed sufficient to authorize the municipal corporation to issue said bonds under this act, and the council or other legislative body shall not have authority to issue the said bonds unless a majority of the qualified electors of such municipality voting shall be in favor of the proposition to issue said bonds for said purposes.

Appointment of sanitary board.

Sec. 2142*d*. Before submitting said proposition to a vote of the people, the city council, or other legislative body of said municipal corporation may by resolution, determine to have all the work in connection with the erection and maintenance of said sanitary plant and the acquisition of the necessary real estate therefor, put under the control of a sanitary board, which shall be appointed before the vote is taken. Said board shall consist of two citizens from each of the two political parties casting the highest vote at the last preceding municipal election, who shall be appointed by the mayor by and with the consent and approval of the city council, or other legislative body of said municipal corporation, and shall serve for a term of two years and until their successors are duly appointed. Said boards shall have such reasonable compensation as the city council or other legislative body of said municipal corporation may prescribe, and shall have entire control of the erection and maintenance of said sanitary plant and the purchase of the necessary real estate therefor on behalf of said municipal corporation and may, in its discretion, modify said original plans and specifications, subject however, to the approval of the state board of health, and provided, that the total cost thereof shall not exceed the original estimate.

Constitution of board; how appointed; term.

Compensation and powers of board.

Levy for sanitary fund.

Sec. 2142*e*. For the purpose of providing a fund for the payment of the principal and interest of the bonds issued under this act, and of maintaining said sanitary plant or plants, said city council or other legislative body shall, in addition to the other levies authorized by law, levy annually a sufficient tax therefor on all the property subject to taxation in said municipal corporation and such taxes shall be levied and collected in the same manner as other taxes; and the proceeds thereof shall constitute the "sanitary fund" of said municipal corporation, and shall be held like other funds of said municipal corporation subject only to the written order of said city council or other legislative body, or governing or sanitary board of said municipal corporation which shall have control of said work.

Repeals.

SECTION 2. That said original section 2142 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 223G

[Senate Bill No. 220.]

AN ACT

To amend sections 218-225, 218-226, 218-228 and 218-230 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 218-225, 218-226, 218-228 and 218-230 of the Revised Statutes of Ohio be amended to read as follows:

Board of public works—canals:

Sec. 218-225. That each and every tract of land, and any part of the berme bank of any canal, canal basin, reservoir and outer slope of the towing path embankment, which said commission shall find to be the property of the state of Ohio, the use of which, in the opinion of said commission, the board of public works and the chief engineer of the public works, if leased, would not materially injure or interfere with the maintenance and navigation of any of the canals of this state, shall be valued by said commission at its true value in money, and if such land shall not then be under an existing lease, may be leased for any purpose or purposes other than for railroads operated by steam, but said commission, the board of public works and the chief engineer of the public works shall have power to make leases and prescribe regulations for the crossing of the canals, canal basins or canal lands by any railroad operated by steam, electricity or other motive power, or for the necessary use, for railroad purposes, of any part of the berme banks of a canal, canal basin or any portion of the canal lands for a distance not exceeding two miles, or if then under an existing lease, then at the expiration of such lease, may be leased on the terms and conditions hereinafter in this act provided for, but railroad companies unlawfully in the possession and use of state land at the date of the passage of this act shall take a lease thereon for the term of fifteen years, in the same manner as when lands are leased for other purposes, or remove their tracks, buildings or other structures from said land.

Lands not necessary for actual use may be leased.

Railroad companies in unlawful possession.

Sec. 218-226. That if such land is not in possession of any person, or persons, or corporation having a building, or buildings, or other valuable structures thereon, it may be immediately leased for fifteen years, at an annual rental of six per cent. per annum of said valuation, to be paid semi-annually, in advance, and at such place as said commission, board of public works and the chief engineer of the public works may fix by the terms of said lease. Any tract of land so to be valued or appraised, if in the actual possession of any person, persons, or corporation who may own a building, or buildings, or other valuable structure thereon, such valuation shall not embrace the value of such building, or buildings, or other valuable structure, and the person, or persons, or corporation owning the same shall be entitled to such lease of said land or lands upon the same terms and conditions as any other person or corpora-

Lease of unoccupied lands.

How lands to be appraised.

tion would or might be entitled to under this act if there were no building or buildings, or other valuable structure upon said land; provided always, however, that each and every building or other valuable structure erected thereon by any person, or persons, or corporation may be taxed as other property of individuals or corporation in the same locality. The said commission, board of public works and chief engineer of the public works may lease for the term of fifteen years, at six per cent. per annum, rental to be paid semi-annually in advance, on a valuation made by said commission, the right to erect buildings across any of the canals not less than ten feet above high water line, to be constructed under the direction of the chief engineer of the public works in all respects so as not to interfere with the maintenance of the embankments and operation of the canal under said buildings.

Lease for the erection of buildings across canals.

Sec 218-228. That all leases to be made under the provisions of this act shall be prepared by the attorney-general of the state, and shall state the purpose or purposes for which the land therein leased is to be used, and shall contain a condition that if any installments of rent therein agreed to be paid, shall not be paid at the time specified, or within ten days thereafter, whether a demand therefor shall or shall not be made, said lease shall, at the option of the board of public works, become and be null and void as against the state of Ohio, and that the lessee so in default, his heirs, or assigns, or any party in possession of such leased premises, shall yield up the possession thereof to said board of public works or its authorized agent, and the same may thereupon be leased to any person or persons, or corporation upon the same conditions as herein provided for in other cases.

Leases to be prepared by attorney-general; what to contain.

Sec. 218-230. The commission appointed under the provisions of this act, the board of public works, and the chief engineer of the public works, under such rules, regulations and conditions, as to semi-annual payment of rent, or otherwise, may lease to any person or persons, or to any corporation organized under the laws of this state, the right to lay one or more lines of pipe along the berme bank and along the outer slope of the towing path embankment of any canal, basin, or reservoir of any of the canals of this state, for the purpose of transporting oil or gas from the natural oil or gas-fields for fuel, lighting and other purposes, the valuation on said land for laying and maintaining a line of pipe shall be made by said commission and the rental shall be six per cent. per annum, payable semi-annually, in advance, upon the amount of said valuation. The said commission, the board of public works and the chief engineer of the public works may also lease to any person, natural or artificial, for the following purposes, any tract of land or part thereof, owned by this state, and the berme bank and [the] outer slope of the towing path embankment along any of the canals, basins and reservoirs and the land within any of said basins and reservoirs owned by this state,

For what purposes lands may be leased.

for the purpose of drilling therein for oil, and gas to be conveyed or transported therefrom. Such lease to be granted for a period not exceeding ten years, with the full power to contract and determine as to the conditions, terms, and the amount the state shall receive for the purposes specified in such lease or leases, and the lease therefor shall be prepared as in other cases. But no lessee, lessees, or his or their assigns or assignees, shall have any power to fill up any part of the land so leased, or in any manner to obstruct navigation therein, or permit oil to escape into the water of any canal, basin or reservoir, and no such lease shall be granted or given unless in the opinion of said commission, the board of public works and the chief engineer of the public works, the use of the land so leased would not materially injure or interfere with the navigation of any of the canals of this state. Upon the filing of each application for lease of any state land, under the provisions of this act, notice thereof shall be immediately posted by the commission in its office.

Repeals.

SECTION 2. Said original sections 218-225, 218-226, 218-228 and 218-230 of the Revised Statutes of Ohio are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 224G.

[House Bill No. 849.]

AN ACT

To amend sections 2759, 2762 and 2765 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Listing personal property:

SECTION 1. That sections 2759, 2762 and 2765 of the Revised Statutes of Ohio be amended so as to read as follows:

Statement by unincorporated banks and bankers.

Sec. 2759. All unincorporated banks and bankers, except as provided in section 2765, shall annually, between the first and second Mondays of May, make out and return to the auditor of the proper county, under oath of the owner or principal officer or manager thereof, a statement setting forth:

First. The average amount of notes and bills receivable, discounted or purchased in the course of business, by such unincorporated bank, banker or bankers, and considered good and collectable.

Second. The average amount of accounts receivable.

Third. The average amount of cash and cash items in possession or in transit.

Fourth. The average amount of all kinds of stocks, bonds, including United States government bonds, or evidences of indebtedness, held as an investment, or in any way representing assets.

Fifth. The amount of real estate at its assessed value.

Sixth. The average amount of all deposits.

Seventh. The average amount of accounts payable.

Eighth. The average amount of United States government and other securities that are exempt from taxation.

Ninth. The true value in money of all furniture and other property not otherwise herein enumerated.

Deduction by county auditor.

From the aggregate sum of the first five items above enumerated, the said auditor shall deduct the aggregate sum of the fifth, sixth, seventh and eighth items, and the remainder thus obtained, added to the amount of item nine, shall be deemed to be the property employed by such bank or bankers in the business of banking, and shall be entered on the duplicate of the county in the name of such bank, banker or bankers, and taxes thereon shall be assessed and paid on the same as provided for other personal property assessed and taxed in the same city, ward, or township.

Shares to be listed.

Sec. 2762. All the shares of the stockholders in any incorporated bank or banking association, located in this state, whether now or hereafter incorporated or organized under the laws of this state or of the United States, and all the shares of the stockholders in any unincorporated bank located in this state, the capital sock of which is divided into shares, shall be listed at their true value in money, and taxed in the city, ward, or village where such bank is located, and not elsewhere.

Return to be made by cashier to the auditor.

Sec. 2765. The cashier of each incorporated bank, or of each unincorporated bank whose capital stock is divided into shares held by the owners of such bank, shall make out and return to the auditor of the county in which every such bank is located, between the first and second Monday of May, annually, a report in duplicate under oath, exhibiting in detail, and under appropriate heads, the resources and liabilities of such bank, at the close of business on the Wednesday next preceding said second Monday, together with a full statement of the names and residences of the stockholders therein, with the number of shares held by each, and the par value of each share.

Repeals.

SECTION 2. That said original sections 2759, 2762 and 2765 be and they hereby are repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 225G

[Senate Bill No. 216.]

AN ACT

To amend section 6968 of the Revised Statutes of Ohio, as amended April 27, 1896.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6968 of the Revised Statutes of Ohio, as amended April 27, 1896, be so amended as to read as follows:

Birds, fish and game:

Sec. 6968. No person shall draw, set, place, locate or maintain any pound-net, seine, fish-trap, trammel-net, gill-net, fyke or set-net, or any device for catching fish in any of the waters, either natural or artificial, lying in the state of Ohio, or part therein, nor catch fish with any device in any of the waters of this state, except with hook and line, with bait or lure. No person shall catch and take any bass less than six inches in length; nor buy, sell, or offer for sale, or have in possession, any fish caught out of season, or in any manner prohibited. And all pound-nets, seines, fish-traps, trammel-nets, gill-nets, fyke or set-nets, or any device for catching fish, set, placed, located or maintained in or upon any of the waters of this state, or on the shores of any such waters, in violation of this act, shall be deemed a public nuisance and shall be abated. Provided, that nothing in this act shall prevent the taking of minnows for bait with nets, or shall prevent the fish and game commissioners of this state, or their authorized agents from taking fish at any time or place, in any manner, for the purpose of stocking ponds, lakes and rivers, and for the maintenance and cultivation of fish in hatcheries, or shall prevent any one from fishing in the Mercer county reservoir, between the first day of September and the first day of May inclusive, with the fyke or set-net, without leads or wings with hoop or mouth, of not over five feet in its greatest width and not to exceed ten feet in length. It shall also be unlawful to take any fish with trot line or lines fastened to stumps or logs in said reservoir, or the banks thereof, or take any bass less than eight inches in length or to expose or offer the same for sale less than ten inches in length. Any person convicted of any violation of this act in regard to fishing with a trammel-net shall be fined not less than fifty ($50) dollars nor more than one hundred ($100) dollars, and in case of neglect or refusal to pay said fine, be imprisoned in the county jail or workhouse, and shall there remain for the full period of sixty days, or any person convicted of violating any of the other provisions of this act shall be fined not less than twenty-five ($25) dollars nor more than fifty ($50) dollars, and in case of neglect or refusal to pay said fine, be imprisoned in the county jail or workhouse, and shall there remain for the full period of thirty days. And all fines collected under the provisions of this act shall go to the county fish and game fund in the county wherein such offence shall have been committed, unless otherwise directed

Catching fish with prohibited devices.

Bass; unlawful traffic or possession.

Abatement of nuisance.

Bait; stocking hatcheries; fishing in Mercer county reservoir.

Penalty for violation.

Disposition of fines.

and ordered by the fish and game commission of this state.

Prosecution required under this and other sections.

And it is hereby made the duty of the chief warden, special wardens, fish and game wardens, and their assistants, of this state, to prosecute all violations of this act, and all violations of sections 6960, 6961, 6963, 6964, 6966, and all the laws enacted for the protection of birds, fish and game, in connection with the prosecuting attorneys of the counties wherein such offense shall have been committed, and such prosecuting attorneys shall be entitled to the same fees as are now allowed by law for the collection of forfeited bonds.

Powers of game wardens.

And such chief warden, special wardens, fish and game wardens, and their assistants, shall have the same power to make arrests, subpœna witnesses and summon jurors to try all cases arising from violations of this act, and all laws enacted for the protection of fish and game, and commit prisoners as the sheriffs, in the counties of this state, and shall be entitled to the same fees for similar services.

Lake Erie, artificial fish ponds, etc.

Provided, that nothing in this section shall apply to Lake Erie, or any of the estuaries, inlets or bays thereof, or shall apply to artificial fish ponds, or to persons owning entire fish pond or lake containing fish; provided nothing in this act shall be so construed as to prevent persons to gig, spear, or bate with the device known as grab-hook any of the sucker variety or kind of fish including carp in any waters in the state, or prevent the taking of fish in any manner in the ponds and lagoons formed by the receding waters of running streams and having no connection with the channels of said streams; and further provided, that the superintendent of any water works company supplying water to any village may seine for carp to cleanse the water in said stream.

Suckers and carp, etc.

Repeals.

SECTION 2. That section 6968 of the Revised Statutes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 226G.

[Senate Bill No. 17.]

AN ACT

To provide for the organization and admission of mutual companies to transact the business of inland transportation insurance, and to provide against loss by burglary and robbery or attempt thereat.

Be it enacted by the General Assembly of the State of Ohio:

Licensing of companies organized for insuring against burglary, robbery, etc.

SECTION 1. That any insurance company organized or incorporated on the mutual plan under the laws of this state [or any other state] for the purpose of insuring against loss or damage from burglary and robbery or attempt

thereat, and securing against the loss of money and securities in course of transportation shall be authorized, admitted and licensed to do business in this state, as hereinafter provided.

Requisites for beginning business.

SECTION 2. Before any such company shall be authorized to transact business in this state, except to solicit and receive applications for insurance and portions and premiums thereof, as hereinafter provided, it shall have in force five hundred or more policies on which premiums shall have been paid in cash, or shall be evidence by the written contracts or the policy-holders, on which not less than one-fifth of the amount shall have been paid in cash, the cash and contracts for premiums shall amount in the aggregate to a sum not less than one hundred thousand dollars. The premium contracts so held shall constitute a part of the valid assets of the company.

Copy of charter, and statement to be filed with superintendent of insurance; what statement shall contain.

SECTION 3. And every such company, association or partnership shall also file a certified copy of its charter, articles of incorporation or deed of settlement, together with a statement under the oath of the president or vice-president and secretary of the company for which he or they may act, stating the name of the company and the place where located, a detailed statement of its assets, showing the number of policy-holders, aggregate amount of premium contracts, the amount of cash on hand, in bank, or in the hands of agents, the amount of real estate, and how the same is encumbered by mortgage, the number of shares of stock of every kind owned by the company, the par and market value of the same, amount loaned on bond and mortgage, the amount loaned on other securities, stating the kind and amount loaned on each, and the estimated value of the whole amount of such securities, and other assets or property of the company; also stating the indebtedness of the company, the amount of losses adjusted and unpaid, the amount incurred and in process of adjustment, the amount resisted by the company as illegal and fraudulent, and all other claims existing against the company; and for a company organized under the laws of any other state, a copy of the last annual report, if any, made under any law of the state by which such company was incorporated and no agent shall be allowed to transact business for any such company who reinsurance reserve, as required in this act, as [is] impaired to the extent of twenty per cent. thereof, while such deficiency shall continue. Nor shall it be lawful for any agent or agents to act for any company or companies referred to in this act, directly or indirectly, in taking risks or tansacting the business of buglary and robbery insurance or the insurance of the safe shipment of money and securities, without procuring from the superintendent of insurance a certificate of authority, stating that such company has complied with all the requirements of this act which apply to such companies, and as to companies organized under the laws of any other state there shall be added the name of the attorney appointed to act for the company.

Foreign company to file last annual report; agent forbidden to transact business when company's reserve is impaired.

Agent to procure certificate from superintendent of insurance.

Character of business to be conducted in this state.

SECTION 4. Any company organized, admitted and licensed to transact business in this state under this act shall confine its line of business to that stated in the first section of this act, and shall confine its business in this state to banks, bankers, loan companies, trust companies, city and county treasurers, and shall not issue any policy or policies to [any] person, firm or corporation in this state other than banks, bankers, loan companies, trust companies, city and county treasurers. Every such company shall set aside a reinsurance reserve of fifty per cent. of its premiums for unexpired term, whether collected in cash or represented by the obligations of the policy-holders, as written in its policies.

Reinsurance reserve.

Liability of policy-holders.

SECTION 5. Policy-holders of any company organized and admitted to transact business in this state under this act, shall be held liable to pay the membership fee and premium on their insurance as paid or contracted to be paid at the time the policy is taken out, and shall not be held liable for any further or other assessments or claims on the part of the company or its policy-holders. The membership fees and premiums agreed upon may be collected in cash at the time the policy is issued or evidenced by written obligation of the policy-holder, as may be agreed upon by the company and the policy-holder. Such payment or obligation shall be the limit of the liability of the policy-holder to the company for premium on their insurance.

Appointment of attorney.

SECTION 6. It shall not be lawful for any insurance company, association or partnership incorporated by or organized under the laws of another state of the United States for any of the purposes specified in this act, directly or indirectly, to take risks or transact any business of insurance in this state by any agent or agents in this state, until it shall first appoint an attorney in this state, who shall be the superintendent of insurance on whom process of law can be served, and file in the office of the superintendent of insurance a written instrument duly signed and sealed, certifying such appointment, and any process issued by any court of record in this state, and served upon such attorney by the proper officer of the county in which such attorney may reside or be found, shall be deemed a sufficient service of the process upon such company.

Service of process.

Annual statements.

SECTION 7. The statement and evidence of membership, assets and investments required by section three of this act, shall be renewed from year to year in such a manner and form as may be required by said superintendent of insurance with an additional statement of the amount of premiums received in this state during the preceding year, so long as such agency continues, and the said superintendent of insurance, on being satisfied that the membership, assets, securities and investments remain secure, as hereinbefore mentioned, shall furnish a renewal of the certificate as aforesaid. Any corporation organized under this act doing business in this state hereunder, which shall violate any of the provisions of this act, the superintendent of insur-

Revocation of authority of company.

ance shall revoke its authority to do business in this state, and no renewal of authority shall be granted to it for a period of one year after such revocation.

SECTION 8. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 227G.

[Senate Bill No. 303.]

AN ACT

Conferring concurrent jurisdiction in certain matters upon courts of insolvency.

Be it enacted by the General Assembly of the State of Ohio:

Courts of insolvency:

SECTION 1. That in addition to the jurisdiction now vested in courts of insolvency, such courts shall have and exercise the following jurisdiction:

Concurrent jurisdiction with probate in certain matters.

SECTION 2. The said courts of insolvency shall have jurisdiction, concurrent with the probate court of such counties, in allowing and issuing writs of habeas corpus, and determining the validity of the caption and detention of the persons brought before it on such writs; also to make inquests of the amount of compensation to be made to the owners of real estate when appropriated by any corporation legally authorized to make such appropriation. And from orders, decrees and judgments, in such cases, appeals may be taken to the court of common pleas, and error may be prosecuted in the court of common pleas, in the same manner and to the same extent in all respects as is provided in such cases respectively when pending in the probate court.

Concurrent jurisdiction with common pleas court.

SECTION 3. The said court of insolvency shall have jurisdiction, concurrent with that now or which may hereafter be vested in the court of common pleas of such counties, in the following matters, viz: In all actions for the appointment of receivers for insolvent corporations under section 5587 of the Revised Statutes; also in all actions for the dissolution of corporations under sections 5651 and 5673 of the Revised Statutes; also in all actions to enjoin the illegal levy of taxes and assessments, or the collection of either, and of actions to recover back such taxes or assessments as have been collected, under section 5848 of the Revised Statutes; also in all actions in replevin brought by or against an assignee for the benefit of creditors, or for the recovery of assets assigned to an assignee for the benefit of creditors; also in all actions to enforce the allow-

ance of claims which have been disallowed by an assignee for the benefit of creditors, under sections 6352 and 6353 of the Revised Statutes. And from orders, decrees and judgments, in such cases, appeals may be taken to the circuit court, and error may be prosecuted in the circuit court, in the same manner and to the same extent in all respects as is provided in such cases respectively when pending in the court of common pleas.

Laws as to proceeding, etc., in probate and common pleas courts to apply to insolvency courts.

SECTION 4. All laws now or hereafter enacted regulating the mode and manner of proceeding in such cases by the probate court or court of common pleas in said matters, and all laws now or hereafter enacted regulating the mode and manner of appeals and error from any judgment, order or decree rendered by the probate court or by the court of common pleas, in matters or actions of which said courts of insolvency are hereby given jurisdiction, respectively, shall be held and deemed to extend to said courts of insolvency.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 228G

[Senate Bill No. 104.]

AN ACT

To amend section 3631*a* of the Revised Statutes of Ohio (87 O. L., 170), section 3631-23 of the Revised Statutes of Ohio (92 O. L., 360), and section 3796*a* of the Revised Statutes of Ohio (77 O. L., 146).

Be it enacted by the General Assembly of the State of Ohio:

Life insurance companies:

SECTION 1. That section 3631*a* of the Revised Statutes of Ohio (87 O. L., 170), section 3631-23 of the Revised Statutes of Ohio (92 O. L., 360), and section 3796*a* of the Revised Statutes of Ohio (77 O. L., 146), be amended so as to read as follows:

Mutual benefit, etc., societies excepted.

Sec. 3631*a*. This act (viz.: secs. 3630*a* to 3631) shall not apply to any association or [of] religious or secret societies or to any class of mechanics, express, telegraph or railroad employes, or ex-union soldiers, formed for the mutual benefit of the members thereof, and their families or blood relatives exclusively, or for purely charitable purposes; provided, that any such association or class which may become subject to the provisions of sections 3630*a*, 3630*c* and 3630*d* of the Revised Statutes of Ohio, may file with the superintendent of insurance notice in writing of such desire, signed by the president of such association or class,

When association become subject to insurance laws.

and attested by the secretary thereof; and thereupon such association or class shall become subject to all the terms and provisions of said sections 3630*a*, 3630*c* and 3630*d* of said Revised Statutes; the superintendent of insurance shall thereupon immediately provide such association or class with proper blanks for furnishing the statement of the condition of such association or class, as provided in said section 3630*a*, and such association or class shall make such report within sixty days thereafter, and thenceforward, annually, as in case of other insurance companies, which report shall be included by said superintendent of insurance in his annual tabulated report, in the same manner as the reports of other companies and subject to the fees prescribed in section 282 of the Revised Statutes of Ohio; provided further, that the treasurer of any association or class which shall avail itself of the benefits of this enactment shall be required to give bond in the same manner as is provided in section 3631, Revised Statutes of Ohio; said bond to be conditional, approved and renewed, as provided in said section.

Bond of treasurer.

Sec. 3631-23. All laws or part[s] of laws in conflict with or inconsistent with this act are and the same are hereby repealed, and nothing in this act shall be held to affect or apply to grand or subordinate lodges of Masons, Knights of Pythias, Odd Fellows or similar orders that do not have as their principal object the issuance of insurance certificates of membership. Nor shall anything therein contained apply to lodges or orders of a purely religious, charitable or benevolent description, paying exclusively sick, funeral or death benefits to members, their families or blood relatives, or dependents, or for purely charitable purposes, and not operating with a view to profit, nor shall any such organization be required to make any report under this or any other section of the insurance laws, and provided further, that no society, lodge or body of any secret or fraternal society or organization of employes of any particular trade, firm or corporation paying only sick benefits not exceeding two hundred and fifty dollars ($250) in the aggregate to any person in any one year, or a funeral benefit to those dependent on a member not exceeding three hundred and fifty dollars ($350), shall be required to make any report thereof under this article, or under other articles of the insurance laws.

Conflicting or inconsistent laws, repealed; lodges, etc., to which act is applicable.

Sec. 3796*a*. That any secret benevolent association, or society incorporated under or by the laws of the state, which shall have any reserve or accumulated funds, or moneys, held by them for the purpose of endowment of the widows, orphans, families, blood relatives or heirs of the members of such benevolent society or association, or for purely charitable purposes, shall have the right and power to invest such funds or moneys upon interest and shall take securities for such investment upon real or per-

Secret benevolent society empowered to invest reserve funds.

sonal property, or otherwise, as such society or association may deem fit.

Repeals, etc.

SECTION 2. That said sections 3631*a* (87 O. L., 170), section 3631-23 (92 O. L. 360), and section 3796*a* (77 O. L., 146), be and the same are hereby repealed; and this act shall be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.
Passed April 16, 1900. 229G.

[Senate Bill No. 101.]

AN ACT

For the relief of the widow and minor children of Charles B. Lauderbaugh, killed at the Ohio penitentiary.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for widow and minor children of Charles B. Lauderbaugh.

SECTION 1. That the court of common pleas in and for Knox county, Ohio, be and is hereby authorized and required to appoint a trustee for the funds hereinafter appropriated, and the auditor of state is hereby authorized to issue his warrant on the treasurer of state, to pay to said trustee, for the use and benefit of Hattie S. Lauderbaugh, widow of Charles B. Lauderbaugh, deceased, John Lauderbaugh, Kathlene Lauderbaugh, Clarence Lauderbaugh and Charles Lauderbaugh, minor children of Charles B. Lauderbaugh, deceased, the sum of four thousand ($4,000) dollars out of the money in the treasury, to the credit of the general revenue fund, not otherwise appropriated, which sum shall be in full liquidation and payment to said widow and children for the death of said Charles B. Lauderbaugh, caused by his murder in the Ohio penitentiary by convicts while he was there in the discharge of his duties as guard for the state of Ohio.

Distribution.

SECTION 2. The amount so authorized to be apportioned by the trustee as follows: To the widow, two thousand ($2,000) dollars, and each of said minors five hundred ($500) dollars each, and said trustee shall give bond, to the state of Ohio for the benefit of said Hattie S. Lauderbaugh, John Lauderbaugh, Kathlene Lauderbaugh, Clarence Lauderbaugh and Charles Lauderbaugh, in a sum to be fixed by the court, and receive said amount so appropriated and hold and pay said funds to said beneficiaries as the said court may direct, and said trustee shall file in said court a report every two years or oftener if required by the said court.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.
Passed April 16, 1900. 230G

[House Bill No. 55.]

AN ACT

To provide for limiting the hours of daily service of laborers, workmen and machinists [mechanics] employed upon public works or of work done for the state of Ohio, or any political subdivision thereof, providing for the insertion of certain stipulations in contracts of public works; imposing penalties for violations of the provisions of this act, and providing for the enforcement thereof.

Be it enacted by the General Assembly of the State of Ohio:

What shall constitute a day's labor upon public works.

SECTION 1. The service of all laborers, workmen and mechanics employed upon any public works of, or work done for the state of Ohio, or for any political subdivision thereof, whether said work is done by contract or otherwise, shall be, and is hereby limited, and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the state, or of any political division thereof, or any person acting for or on behalf thereof, or any contractor, or sub-contractor for any part of any public works of, or work done for such state, or political subdivision thereof, or any person, corporation, or association whose duty it shall be to employ or to direct and control the services of such laborers, workmen or mechanics, or who has in fact the direction or control of the services of such laborers, workmen or mechanics to require or permit them or any of them to labor more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, food [flood] or danger to life and property, and except to work upon public, military or naval works or defenses in time of war, and except in cases of employment of labor in agricultural pursuits.

Unlawful for officer or person in charge of work to permit or require workmen to labor more than eight hours; exceptions.

Contracts for public work shall contain eight hour provision

SECTION 2. Each and every contract to which the state of Ohio, or any political subdivision thereof is a party, and every contract made for, or on behalf of the said state or any subdivision thereof, which contract may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, or any sub-contractor doing or contracting to do any part of the work contemplated by the contract, shall be required or permitted to work more than eight hours in any one calendar day except in cases of extraordinary emergency caused by fire, flood or danger to life or property and except to work upon public, military or naval work, or defenses in time of war, and except in cases of employment of labor in agricultural pursuits, and each and every [such] contract shall stipulate a penalty for such violation of the stipulation directed by this act of ten dollars for each laborer, workman or mechanic, for each and every calendar day in which he shall labor more than eight hours, and the inspector or officer, or person whose duty it shall be to see that the provisions of any such contract are complied with, shall report to the proper officer of such state, or political subdivision thereof, all violations of the stipu-

Shall stipulate penalty for violations by contractor.

lation in this act, provided for in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violations for which such penalties were imposed by contractor, his agents, or employes, or any subcontractor, his agents or employes, no person on behalf of the state of Ohio, or any political subdivision thereof, shall rebate or permit any penalty imposed under such [any] stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error of fact. Nothing in this act shall be construed to authorize the collection of said penalty from the state, or any political subdivision thereof.

Penalty

SECTION 3. Any officer of the state of Ohio, or of any political subdivision thereof, or any person acting for, or on behalf thereof, who shall violate the provision of this act shall be deemed guilty of a misdemeanor, and be subject to a fine or imprisonment, or both, at the discretion of the court, the fine not to exceed five hundred dollars, nor the imprisonment more than one year.

SECTION 4. All acts and parts of acts inconsistent with this act in so far as they are inconsistent are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 231G

[Senate Bill No. 253.]

AN ACT

To appoint a commission to investigate and adjust claims for damages arising from breaks in banks and overflows of Indian Lake.

Preamble.

WHEREAS, Certain citizens of Logan county make claim to damages to property by reason of breaks of banks and overflow of what is now designated as Indian Lake, but which prior to April 19, 1898, was known as Lewiston reservoir, and which is situated in said Logan county, Ohio; therefore

Be it enacted by the General Assembly of the State of Ohio:

Commission to investigate and adjust claims for damages caused by break in banks or overflow of Indian Lake; appointment; oath.

SECTION 1. That a special commission to consist of three disinterested citizens shall be appointed by the governor within sixty days after the passage of this act, and said three commissioners shall, before entering upon the discharge of their duties, severally take an oath or affirmation to faithfully discharge the duties of their appointment,

and the commissioners shall then proceed within the ensuing six months to faithfully examine into the claims for damages of Noah Notestine, John Russell, Abraham Archer, George Mohr, Louisa G. Ranck, William E. Henderson, William T. Mattox, William J. Sanders, Minnie Martindale, the estate of John Wilson, Amos J. Lee, John R. Renick, Joseph T. Brubaker, John Wright, John T. Bogart, Jacob M. Bogart, William Downs, Thomas L. Shaffer, Elzey L. Huber, Joseph F. Heffner, James H. Fry, Annie E. Brumm, Theodore F. Ward, Salathiel Prater, John F. Rogers, Abner H. Sanders, Allen Huber, John Reily, John Fry, Simpson L. Horn, Solomon E. Loffer, Samuel Smith and the commissioners of said Logan county, alleged to have been caused by breaks in the banks or overflow of said Indian Lake.

Power and duty of commissioners.

SECTION 2. Said commissioners are hereby empowered to summon witnesses and make investigations as provided in section 218-32 Revised Statutes of Ohio, and make reports in writing to the board of public works, which board shall pay such damages and the cost of ascertaining same as the said commissioners recommend, out of any moneys appropriated by the general assembly for that purpose. Each of said commissioners shall receive for his services three dollars per day and mileage at rate of three cents per mile.

Compensation of commissioners.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 232G.

[Senate Bill No. 114.]

AN ACT

To amend and supplement section 3260 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Creation of corporations:

SECTION 1. That section 3260 of the Revised Statutes of Ohio be amended and supplemented so as to read as follows:

Where complaint for enforcement of liability filed.

Sec. 3260. Whenever any creditor of a corporation seeks to charge the directors, trustees, or other superintending officers of a corporation, or the stockholders thereof, on account of any liability created by law, he may file his complaint for that purpose in any common pleas court which possesses jurisdiction to enforce such liability.

Action by court; appointment of receiver.

Sec. 3260*a*. The court shall proceed thereon, as in other cases, and, when necessary, shall cause an account to be taken of the property and obligations due to and from such corporation, and may appoint one or more receivers.

Enforcement of liability upon insolvent corporation.

Sec. 3260*b*. If, on the coming in of the answer or upon the taking of such account, it appears that such corporation is insolvent, and has not sufficient property or effects to satisfy such creditor, the court may proceed to ascertain the respective liabilities of the directors, officers and stockholders, and enforce the same by its judgment, as in other cases.

Notice to non-resident stockholders; collection of unpaid installments of stock.

Sec. 3260*c*. In all cases in which the directors or other officers of a corporation, or the stockholders thereof, are made parties to an action in which a judgment is rendered, if the property of such corporation is insufficient to discharge its debts, the court shall give notice to non-resident stockholders as provided in sections 5048, 5049, 5050, 5051 or 5052 of the Revised Statutes, and shall first proceed to compel each stockholder to pay in the amount due and remaining unpaid on the shares of stock held by him, or so much thereof as is necessary to satisfy the debts of the company.

Court to ascertain and adjudge liabilities of officers and stockholders.

Sec. 3260*d*. If the debts of the company remain unsatisfied, the court shall proceed to ascertain the respective liabilities of the directors or other officers and of the stockholders, and to adjudge the amount payable by each, and

Prosecutions by receiver.

enforce the judgment, as in other cases. The court may authorize and direct the receiver to prosecute such action in his own name as receiver, as may be necessary, in other jurisdictions to collect the amount found due from any officer or stockholder.

Notice to creditors.

Sec. 3260*e*. Whenever any action is brought against any corporation, its directors or other superintending officers, or stockholders, according to the provisions of this chapter, the court, whenever it appears necessary or proper, may order notice to be published, in such manner as it shall direct, requiring all the creditors of such corporation to exhibit their claims and become parties to the action, within a reasonable time, not less than six months from the first publication of such order, and, in default thereof, to be precluded from all benefit of the judgment which shall be rendered in such action, and from any distribution which shall be made under such judgment.

Distribution of property and assets of insolvent corporation.

Sec. 3260*f*. Upon a final judgment in any such action against an insolvent corporation, the court shall cause a just and fair distribution of the property and assets of such corporation or the proceeds thereof to be made among its creditors.

Repeals.

SECTION 2. That said section 3260 be, and hereby is repealed.

SECTION 3. This act shall apply to pending actions,

and shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 233G

[Senate Bill No. 359.]

AN ACT

To supplement section 4 of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio," passed April 18, 1892 (O. L., p. 455), as reenacted and amended April 25, 1898 (93 O. L., p. 361), by the enactment of section 4*a*.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That section 4 of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio," passed April 18, 1892 (89 O. L., p. 455), as reenacted and amended April 25, 1898 (93 O. L., p. 361), be and the same is hereby supplemented by the enactment of section 4*a*, as follows:

Salaries of deputy state supervisors and clerk in Hamilton county.

Sec. 4*a*. Each member of the board of deputy state supervisors and the clerk thereof in Hamilton county, shall be allowed and paid a salary in the sum of seven hundred and fifty ($750) dollars per annum payable monthly upon vouchers approved by the board out of the county treasury and the county commissioners shall make the necessary levy to meet the same. The judges and clerks of election in Hamilton county shall be allowed and paid a uniform compensation for their services in accordance with the provisions of section 2926*t* of the Revised Statutes without regard to the exceptions therein named.

Compensation of judges and clerks.

Repeals of conflicting provisions.

SECTION 2. That section 4 of said act and all acts or parts of acts and all sections or parts of sections of the Revised Statutes in conflict with the provisions of this act are to the extent of such conflict hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 234G

[Senate Bill No. 231.]

AN ACT

To amend section 2904*a* of the Revised Statutes of Ohio, relating to the sale of lands forfeited for taxes.

Be it enacted by the General Assembly of the State of Ohio:

Forfeited lands:

SECTION 1. That section 2904*a* of the Revised Statutes, as enacted on February 23, 1886 (83 O. L., 16), be amended so as to read as follows:

Publication of notice of list and sale of forfeited lands.

SEC. 2904*a*. In any county containing a city of the first grade of the first class, and in all cases in other counties, in which any county auditor by inadvertence or mistake, has omitted to cause the list of forfeited lands of his county, together with notice of the sale thereof, to be published according to the requirements of law, it shall be the duty of the county auditor and he is required, in case the taxes and penalty with which the lands and town lots stand charged upon the forfeited list shall not have been paid before the first day of March of the next succeeding year after securing the said list from the auditor of state, as provided by section 2903 of the Revised Statutes, forthwith, after said first day of March, to cause said list, together with notice of the sale thereof, to be published in all respects as required in said original section two thousand nine hundred and four, saving and excepting that such notice shall specify that said sale will begin on the second Monday of April next, instead of upon the second Monday of December, and such auditors shall, beginning with said second Monday of April, proceed to sell the whole of each tract of land as contained in said list, in the manner and form provided for such sales in section 2904 of the Revised Statutes.

Sale of lands advertised.

Repeals, etc.

SECTION 2. That said section 2904*a* of the Revised Statutes, enacted February 23, 1886, be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.

JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 235G

[Senate Bill No. 162.]

AN ACT

Making it a misdemeanor for one to represent himself as an astrologer, a fortune-teller, clairvoyant or a palmister.

Be it enacted by the General Assembly of the State of Ohio:

Penalty for practicing astrology, fortune-telling, clairvoyancy or palmistry.

SECTION 1. That whoever shall represent himself to be an astrologer, a fortune-teller, a clairvoyant or a palmister shall be guilty of a misdemeanor, and, on conviction thereof, shall for each and every offense be fined not more than one hundred dollars and not less than twenty-five dollars, or imprisoned in the county jail for a period not longer than three months nor shorter than thirty days, or shall, within the discretion of the trial court, be both so fined and imprisoned.

Act not to apply to licensed persons.

SECTION 2. Nothing in this act contained shall apply to any astrologer, fortune-teller, clairvoyant or palmister to whom a license to practice has been legally granted.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 236G

[Senate Bill No. 161.]

AN ACT

To repeal an act entitled "An act to amend an act entitled 'An act to provide a license on trades, business and professions carried on in cities of the first grade of the first class, and providing for the enforcement and collection of fines and penalties for carrying on business without license, and for other purposes,'" passed March 24, 1884. Now section 2672-36 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Repeals.

SECTION 1. That an act passed March 24, 1884, entitled "An act to amend an act entitled 'An act to provide a license on trades, business and professions carried on in cities of the first grade of the first class, and providing for the enforcement and collection of fines and penalties for carrying on business without license, and for other purposes,'" (81 O. L., page 71), be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 237G

[Senate Bill No. 87.]

AN ACT

To supplement sections 2824 and 4637 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Levying taxes:

SECTION 1. That section 2822 of the Revised Statutes be supplemented as follows:

Levy for "state and county road improvement fund."

Sec. 2822-1. The county commissioners, at their March or June session annually, in addition to the levy authorized for road and bridge purposes may levy on each dollar of valuation of taxable property within their county not to exceed five-tenths (5-10) of a mill for the creation of a fund to be known as the state and county road improvement fund, and to be used for the improvement of state and county roads in the county.

Improvement of state and county roads.

Sec. 2822-2. The county commissioners of such counties as shall make such levy, shall have power to improve any state or county road, or any part thereof, by grading, draining, curbing, improving and paving the same with stone, brick or other suitable material, or with a combination of any or all of these materials, graveling, planking or macadamizing the same, and shall use the funds realized from such levy for that purpose; provided, however, that no such improvement shall be made until the owners of at least a majority of the foot frontage of the land abutting on said road or part thereof shall petition therefor, and the county commissioners shall assess one-fourth of the cost and expense thereof on said abutting land, and provided, however, that not to exceed ten percentum of the said levy may be used for making sidewalks or bicycle paths.

Petition of abutting landowners necessary.

Cost

Surveys, profiles, estimates and specifications.

[Sec.] 2822-3. When the commissioners determine to make any such improvement, they shall direct and employ the county surveyor to make all necessary surveys, profiles, estimates, and specifications, and submit the same to them for their approval, and the same shall be filed and preserved in their office, and the county surveyor shall receive as compensation for his services, the same compensation as is provided in section 4664.

Bids; letting of contract.

[Sec.] 2822-4. Upon the approval of said surveys, profiles, estimates and specifications, the commissioners of said county shall advertise for bids in some newspaper of general circulation in the county, for a period of three weeks, and shall let the contract for making such improvement to the lowest and best bidder or bidders, who shall give such reasonable security for the proper performance of their contract within the time and in the manner prescribed therein, as the county commissioners shall require. But when the estimated cost of any improvement does not exceed five hundred ($500) dollars, the same may be let without publication in a newspaper as herein required.

County roads:

SECTION 2. That section 4637 of the Revised Statutes of Ohio be supplemented as follows:

Power of commissioners.

Sec. 4637-1. On a petition therefor signed by the owners of at least a majority of the foot frontage on any county road or part thereof, heretofore established or hereafter to be established, the county commissioners may do any one or more of the following acts or things:

a. Cause the county surveyor to establish a grade along said road, or part thereof, subject to the approval of said commissioners.

b. Cause said road or part thereof to be widened, altered or established to a greater width than sixty feet and not more than one hundred feet, to be determined by the viewers as provided in this chapter.

c. Grade, drain, curb, pave and improve said road, or part thereof, proceeding in the making of the same in the manner prescribed in section 2824*a* of the Revised Statutes.

Damages, costs and expenses; how paid.

[Sec.] 4637-2. The county commissioners may assess the damages on account of the widening, altering or establishing of said road or part thereof, also the costs and expenses of any or all of said improvements or such part of said damages, costs and expenses as they may deem equitable under the circumstances upon the taxable property abutting upon such road or part thereof, either according to the foot frontage or according to the benefits. The county commissioners are hereby created an assessing board for the purpose of assessing the damages, costs and expenses, as herein set forth, upon the abutting property as aforesaid.

Part of expense may be paid from county treasury or improvement fund.

[Sec.] 4637-3. The commissioners may order such part of the damages, cost and expense of such improvement as they may deem equitable, to be paid out of the county treasury, or out of any state and county road improvement fund.

Notice of assessments.

[Sec.] 4637-4. Before adopting the assessments so made, the county commissioners shall publish notice for three weeks consecutively, in some newspaper of general circulation in the county, that such assessments have been made, and that the same are on file in the office of the county commissioners for the inspection and examination of the persons interested therein.

Filing of objections to assessments.

[Sec.] 4637-5. If any person objects to the assessment he shall file his objections in writing with the board of county commissioners within two weeks after the expiration of the said notice, and thereupon the board shall appoint three disinterested freeholders of the county to act as an equalizing board.

Hearings by equalizing board.

[Sec.] 4637-6. Upon a day appointed by the commissioners for that purpose, such equalizing board, after taking an oath before a proper officer honestly and impartially to discharge their duties, shall hear and determine all objections to the assessment, and equalize the same as they may think proper, which equalized assessment they shall report to the board of county commissioners, which shall

have power to confirm the same or set it aside and cause a new assessment to be made, and appoint a new equalizing board possessing the same qualifications, which shall proceed in the manner above provided.

Confirmation of assessments.

[Sec.] 4637-7. When the assessment is confirmed by the county commissioners it shall be complete and final; provided that whenever by any of the provisions of this act any act or thing is required to be done by the county commissioners the concurrence of two-thirds of said county commissioners shall be deemed sufficient.

Assessment upon real estate subject to life estate.

[Sec.] 4637-8. When such [an] assessment is made upon real estate subject to a life estate, the provisions of section 2268 of the Revised Statutes shall apply.

Collection of assessments.

[Sec.] 4637-9. The assessments so made shall be certified by the commissioners to the auditor of the county, who shall place the same on the tax list against such taxable property, which shall thereupon become a lien upon such property, and the same shall be collected as other taxes, in not to exceed ten annual installments; provided that said commissioners may, after the amount of one installment of said assessment has been paid, in anticipation of the collection of the balance of such assessment, issue their notes for the balance of the whole amount of damages, cost and expenses, and cause the damages to be paid at once, also the improvement to be made at once, in which case interest at the rate of five per cent. per annum may be added to all unpaid installments and collected therewith.

Land not to be taken until damages are paid.

Abandonment of appropriation proceedings.

Damages not to be paid until assessments are collected.

Effect of failure to certify assessments.

[Sec.] 4637-10. The county commissioners shall not take possession of any land appropriated for the purpose of a county road until the damages assessed for the same shall be paid; and they may abandon any proceedings for the appropriation of land for road purposes upon the payment of the defendant's costs, expenses and attorney fees as found by the court; and in all cases where the county commissioners decide to collect said damages by assessing the same on abutting property, they shall not be required to pay such damages until the same are collected by assessment, but the failure of the county commissioners to so certify an assessment for such damages to the county auditor to be placed upon the tax-duplicate in such installments as they may determine upon so that one installment may be placed upon the first duplicate made up after the determination of the entire amount thereof, shall be considered as an abandonment of the property, rights and interests so appropriated.

Provisions of statutes which shall apply; right of appeal.

SECTION 3. All the provisions of title 7, chapter 2, and of title 13, chapter 5, of the Revised Statutes, so far as the same are not inconsistent herewith, shall apply to all levies made and to all roads established, widened or altered and improved under the provisions of this act, and the same right to appeal to the probate court as now exists under the provisions of title 7, chapter 4, of the Revised Statutes is reserved.

SECTION 4. This act shall be in force and take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 238G

[House Bill No. 798.]

AN ACT

To supplement section 2795 of the Revised Statutes of Ohio and authorizing additional compensation to real estate assessors in Clinton, Green and Morrow counties.

Be it enacted by the General Assembly of the State of Ohio:

Assessing real estate:

SECTION 1. That section 2795 of the Revised Statutes of Ohio be supplemented as follows:

Compensation of assessors in certain counties.

Sec. 2795-2. The county commissioners of Clinton, Green and Morrow counties, state of Ohio, be and are hereby authorized and directed to pay said assessors of real estate, the sum of one dollar per day, for each day necessarily employed in the performance of their duties, in addition to the amount allowed by law, upon proper vouchers by said commissioners, and the approval of the auditor of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 239G.

[Senate Bill No. 341.]

AN ACT

To amend section 3036 of the Revised Statutes of Ohio, as amended April 25, 1898.

Be it enacted by the General Assembly of the State of Ohio:

Militia and military affairs:

SECTION 1. That section 3036 of the Revised Statutes, as amended April 25, 1898, be amended so as to read as follows:

Infantry organization.

Sec. 3036. Each regiment shall consist of not more than twelve nor less than eight companies, and shall be formed into battalions of not less than three and not more than five companies each, and shall have a colonel, a lieu-

tenant-colonel, one major for each battalion, a surgeon with the rank of major, one assistant surgeon for each battalion with the rank of captain, a quartermaster with rank of captain, an inspector of rifle practice with rank of captain, a regimental adjutant with rank of captain, and a regimental signal officer with rank of first lieutenant, one commissary with rank of captain, one battalion adjutant for each battalion in a regiment of two or more battalions with the rank of second lieutenant, a chaplain and a non-commissioned staff consisting of a regimental sergeant-major, and a sergeant-major for each battalion, one quartermaster sergeant, one commissary sergeant, a hospital steward and an acting hospital steward for each battalion, two principal musicians, a drum major and two color-sergeants. A commander of a regiment or separate battalion may enlist a band to consist of a leader, and not more than twelve men for each battalion of his command; also a hospital corps of not more than eight men for each battalion, a signal corps consisting of one sergeant and not more than one corporal and four privates for each battalion, and a quartermaster's corps, upon recommendations of a quartermaster, consisting of not more than two sergeants and four privates for each battalion. Each company shall consist of a captain, a first lieutenant, a second lieutenant, one first seargeant, four seargeants, eight corporals, two musicians, one armorer, and not less than thirty-two and not more than fifty-six privates.

SECTION 2. Original section 3036, as amended April 25, 1898, is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS
Speaker of the House of Representatives.

JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 240G.

[Senate Bill No. 39.]

AN ACT

For the relief of George Van Atta, late employe of the Boys' Industrial School.

Preamble.

WHEREAS, George Van Atta of Newark, Licking county, Ohio, while in the discharge of his duties as chief engineer at the Boys' Industrial School, near Lancaster, Ohio, a state institution, sustained the loss of one of his hands entire, except the thumb, by having it sawed off while operating the saw mill belonging to the state; and

WHEREAS, Said accident occurred through no fault or carelessness of the said George Van Atta, who has been incapacitated thereby from pursuing his avocation as engineer and machinist and has been rendered a cripple for life; therefore,

Be it enacted by the General Assembly of the State of Ohio:

Relief of George Van Atta.

SECTION 1. That the auditor of state is authorized and required to issue his warrant on the treasury to pay to George Van Atta the sum of five hundred dollars, and for this purpose there be and is hereby appropriated the sum of five hundred ($500) dollars from any money in the state treasury to the credit of the general revenue fund not otherwise appropriated, which sum shall be in full liquidation and payment to said George Van Atta for any and all injuries received by him in the performance of his duties as an employe of the state at the Boys' Industrial School.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 241G

[Senate Bill No. 55.]

AN ACT

To amend section 1 of an act entitled "An act relating to the care and maintenance of aged and infirm deaf and dumb persons, as amended April 22, 1898 (O. L. 93, page 212).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled "An act relating to the care and maintenance of aged and infirm deaf and dumb persons as amended April 22, 1898 (O. L., 93, page 212), be amended so as to read as follows:

Contract for care and maintenance of indigent, aged or infirm deaf and dumb.

Sec. 1. That any incorporated association organized for the purpose of providing a home for deaf and dumb persons may enter into a contract with the board of county infirmary directors of any county, or with the proper officers of any corporation infirmary, for the care and maintenance at such home of any deaf and dumb person who may be an inmate of said county or corporation infirmary, or who may, under the laws of the state, be entitled to admission thereto. And in every such case the said county or corporation infirmary shall, during the period such person may remain in such home, pay to such association, annually, a sum equal to the per capita cost of maintaining inmates in the said county or corporation infirmary. Provided, that wherever any such deaf and dumb person is maintained in any county or corporation infirmary in this state, and who, in the judgment of the board of state charities, should be removed from such infirmary to a home organized under provision of this section, that said board of state charities may order the removal of said person

State board of charities may order removal of such indigent or infirm persons to home.

from said infirmary to said home; and where any such person is removed on the order of said board of state charities from an infirmary to said home, then the transportation of said person to said home and his (or her) maintenance shall be paid by the infirmary directors of said county infirmary or the proper officers of said corporation infirmary as heretofore provided in this section.

Repeals, etc.

SECTION 2. This act shall take effect and be in force from and after its passage, and said original section 1 of an act entitled "An act relating to the care and maintenance of aged and infirm deaf and dumb persons," as amended April 22, 1898, is hereby repealed.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 242G

[House Bill No. 283.]

AN ACT

To authorize the boards of health to regulate the sale of ice.

Be it enacted by the General Assembly of the State of Ohio:

Regulation of sale of ice for domestic purposes.

SECTION 1. That no ice shall be cut for the purpose of being sold or used for domestic purposes in any city or village of this state from any pond, canal, lake, creek or river within the limits of any such city or village, unless a permit therefor shall first be obtained from the board of health of such city or village, and no person or persons shall sell or deliver any ice in any city or village in this state for domestic purposes without first obtaining a permit therefor from the board of health of such city or village, and it shall be lawful for any such board of health to refuse a permit and to revoke any granted by them, as aforesaid, when in their judgment the use of any ice cut or sold, or to be cut or sold, for domestic purposes under the same is or would be detrimental to the public health.

Board of health may prohibit sale of ice for domestic purposes.

SECTION 2. That the board of health of any city or village may prohibit the sale or use of any ice for domestic purposes within the limits of such city or village when, in their judgment the same is unfit for use, and the use of the same would be detrimental to the public health, and the said board may prohibit and through its officers stop, detain and prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of any such city or village, and also in the same manner stop, detain and prevent the sale of any such ice for domestic purposes within the limits of such city or village when, in their judgment the same is unfit for use, and the use

of the same would be detrimental to the public health, and the said board may prohibit and through its officers stop, detain and prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of any such city or village, and also in the same manner stop, detain and prevent the sale of any such ice for domestic purposes found within the limits of such city or village.

Penalty.

SECTION 3. Whoever violates any provisions of this act, or any order or regulation of the board of health made in pursuance thereof, shall be fined in any sum not exceeding one hundred dollars.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.

President of the Senate.

243G

[Senate Bill No. 37.]

AN ACT

To amend section 2732-3 of the Revised Statutes of Ohio, providing for the exemption of the property of certain societies from taxation.

Be it enacted by the General Assembly of the State of Ohio:

Definitions of and property:

SECTION 1. That section 2732-3 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Property of certain societies exempt from taxation.

Sec, 2732-3. That all property, real or personal belonging to or which may hereafter belong to any incorporated post of the grand army of the republic, or union veterans union, or grand lodge free and accepted masons, or grand lodge independent order of odd fellows, or grand lodge knights of Pythias, or an association for the exclusive benefit, use and care of aged, infirm and dependent women, or religious or secret benevolent organization, maintaining a lodge system, or incorporated association of ministers of any church, or incorporated association of commercial traveling men, which is intended to create a fund or is used or intended to be used for the care and maintenance of indigent soldiers of the late war, indigent members of said organizations, and the widows, orphans and beneficiaries of the deceased members of such organizations, and not operated with a view to profit, or having as their principal object the issuance of insurance certificates of membership, such property, real or personal, and the interest or income derived therefrom, shall not be deemed taxable under any law of this state, and the trustees of such organizations above named shall not be required to return or list the same for taxation.

Repeals, etc.

SECTION 2. That said amended section 2732-3, passed April 23, 1898 (93 O. L., 219), be and the same is hereby repealed; and this act shall be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 244G

[Senate Bill No. 312.]

AN ACT

To amend section 5435 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Exemption from execution:

SECTION 1. That section 5435 of the Revised Statutes of the state of Ohio be amended and supplemented so as to read as follows:

Who entitled to exemption.

Sec. 5435. Husband and wife living together, a widow or a widower living with an unmarried daughter or unmarried minor son, may hold exempt from sale, on judgment or order, a family homestead not exceeding one thousand dollars in value; and the husband, or, in case of his failure or refusal, the wife, shall have the right to make the demand therefor; but neither can make such demand, if the other has a homestead. Provided, however, that in case of assignment, for the benefit of creditors, upon filing the written consent of husband and wife to the sale of any such homestead property as may be exempt under the provisions of this act, the said homestead may be sold subject to the dower and homestead right herein provided.

Assignments to which provisions apply.

SECTION 2. These provisions shall apply to assignments heretofore made which have not been closed up, by a sale of property subject to the homestead right of the assignor.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 245G

[Senate Bill No. 173.]

AN ACT

To amend sections 4510–1 and 4510–2 of chapter 1, title 6, of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

County ditches.

SECTION 1. That sections 4510-1 and 4510-2 of chapter 1, title 6, of the Revised Statutes of Ohio be amended so as to read as follows:

Duty of Commissioners as to certain ditches.

[Sec.] 4510-1. In all cases where the commissioners of any county in this state shall cause to be constructed or enlarged, or cleaned, or repaired, any ditch, drain or watercourse, the water from which flows into an adjoining county or into or finds an outlet in any ditch, drain or watercourse constructed or being constructed in an adjoining county, and in all cases where the commissioners of any county in this state shall cause to be constructed, enlarged, cleaned out or repaired, any ditch, drain or watercourse, which is or may be an outlet for any ditch, drain or watercourse, of lands of an upper county, or which, by reason of any proposed improvement thereof, will provide better drainage or a more sufficient outlet for any [ditch] drain or watercourse, or lands of an upper county, and in all cases where the commissioners of any county in this state find it necessary to construct, or enlarge, or widen, or deepen, or clean out, any ditch, drain or watercourse of a lower county in order to secure a sufficient and proper outlet for a proposed ditch, drain or watercourse of an upper county, the commissioners of such upper county shall pay the commissioners of such lower county such sum as may be agreed upon by the commissioners of both counties, for the use and benefit of such outlet, which sum the commissioners of said upper county shall apportion to the lands in their county, for whose benefit said ditch was, or is constructed, but before any work shall be begun in the construction, enlarging, cleaning out, or repairing of any ditch, drain, or watercourse in either of said counties, the amount to be paid by the commissioners of the said upper county to the commissioners of said lower county for the use and benefit or burden of such outlet, shall be wholly agreed upon or determined, the sum which the commissioners of said upper county shall pay to the commissioners of said lower county shall be determined at a joint meeting of the commissioners of the said upper and lower counties, upon the line, or proposed line of said ditch, drain, or watercourse, and the refusal of a majority of the board of commissioners of either of said counties to agree, or failure by them to meet, act, or take part in a meeting with the commissioners of the other county, upon ten days' notice by the commissioners of either of the said counties upon the commissioners of the other county, to determine what sum the commissioners of said upper county should pay the commissioners of said

lower county, shall be prima facie evidence of their failure to agree or pay, and ditches, drains or watercourses which provide drainage, or when constructed will provide drainage for lands in more than one county, may be constructed, enlarged, cleaned out or repaired, as provided in this act, and the laws prescribed for constructing, enlarging, cleaning out or repairing single county ditches, drains, or watercourses.

Proceedings on failure to agree to pay.

[Sec.] 4510-2. On failure to agree or pay, as provided in the preceding section, the commissioners of either of said counties may commence in the probate court of either of said counties within twenty days of the meeting mentioned in the preceding paragraph, their action against the commissioners so failing to agree or refusing to pay, setting forth the fact that proceedings have been begun for any such improvement, and the reason why the commissioners of the upper county should pay to the commissioners of a lower county, a compensation for such outlet, or proposed outlet, and the failure to agree or pay, as provided in the preceding paragraph, and praying for the relief herein[after] provided for. Said probate court, before whom said action is commenced, shall, within ten days after the filing of a petition setting forth the above facts, issue a summons directed to the sheriff of the other of said counties, who shall be commanded therein to notify the president of the board of commissioners of said other county, that an action has been commenced in accordance with section 2, 4510-2, of this act. Said summons shall contain a copy of the petition, and the time and place of hearing, be served and returned as in other cases, and such service shall be not less than ten days before the day of hearing. Proceedings after service and return shall be the same as in other similar cases, before probate court.

Repeals, etc.

SECTION 2. That said sections 4510-1 and 4510-2 of the Revised Statutes of Ohio, be made and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 246G

[Senate Bill No. 187.]

AN ACT

To amend section 3246 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Creation of corporations:

SECTION 1. That section 3246 be amended so as to read as follows:

Annual and other elections for trustees and directors.

Sec. 3246. Unless the regulations of the corporation otherwise provide, an annual election for trustees or directors shall be held on the first Monday in January of each year; if trustees or directors are, for any cause, not elected at the annual meeting, or other meeting called for that purpose, they may be chosen at a members' or stockholders' meeting, at which all the members or stockholders are present in person or by proxies, or at a meeting called by the trustees or directors, or any two members or stockholders, notice of which has been given, in writing, to each stockholder, or by publication in some newspaper printed in the county where the corporation is situate, or has its principal office, for ten days; and trustees and directors shall continue in office until their successors are elected and qualified. Except that any corporation, the principal object of which is the owning and operating of a club-house for the use of its stockholders, the club-house of which is not kept open and operated for the use of its stockholders during the winter season, shall hold its annual election of directors on the third Monday in July of each year, and such election shall be held at the club-house owned and operated by such corporation.

Repeals, etc.

SECTION 2. Said original section 3246 is hereby repealed and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.

O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 247G

[Senate Bill No. 368.]

AN ACT

To supplement section two thousand seven hundred and ninety-five (2795) of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Assessing real estate:

SECTION 1. That the following be enacted as supplementary to section 2795 of the Revised Statutes of Ohio:

Compensation of district assessors in Pike and Scioto counties.

Sec. 2795*a*. Each district assessor or assistant in the counties of Pike and Scioto, shall be entitled to receive for each day necessarily employed in the performance of his duties the sum of three dollars, to be paid out of the county treasury after the same has been allowed by the county commissioners; and the compensation herein stipulated shall be received by all district assessors performing duties in the year 1900.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 248G

[Senate Bill No. 207.]

AN ACT

To amend section 6501 of the Revised Statutes, as amended April 26, 1898 (93 O. L., 316).

Be it enacted by the General Assembly of the State of Ohio:

Commencement of actions, etc.

SECTION 1. That section 6501 of the Revised Statutes, as amended April 26, 1898 (93 O. L., 316), be amended so as to read as follows:

Proceedings as to garnishee.

Sec. 6501. A garnishee may pay the money owing to the defendant by him, or so much thereof as the court shall order, to the constable having the order of attachment, or into court; he shall be discharged from liability to the defendant for any money so paid, not exceeding the plaintiff's claim, and shall not be subjected to costs beyond those caused by his own resistance of the claim against him, and if he disclose the property in his hands, or the true amount owing by him, and deliver or pay the same according to the order of the court, he shall be allowed his costs, provided, that when any part of the earnings of the debtor is not exempt under the provisions of sections 5430 and 5441 of the Revised Statutes, as amended by this act, the garnishee process shall remain and be in force from the time of the service of the process of garnishment on such garnishee until the trial of the cause to determine the claim, debt or demand of the creditor, and shall bind all such earnings due at the time of such service, and that shall become due from the time of service until the trial of such cause; provided, however, that of the personal earnings now exempted by the provisions of sections 5430, 5441, 5483 and 5548 of the Revised Statutes, as amended April 26, 1898 (93 O. L., 316 et. seq.), shall, in addition to the ten per centum for necessaries, be further liable to the plaintiff for the actual costs of any proceeding brought to recover the same in any sum not exceeding four dollars, and such garnishee may pay to such debtor an amount equal to ninety per centum of such personal earnings, less the sum of four dollars for actual costs as herein provided, which shall be due at the time of the service of process or which may become due after such service and before trial, and be released from any liability to such creditor; provided

further, that the person bringing an action for necessaries shall first make a demand in writing for the excess over and above ninety per centum of the personal earnings of the debtor; and no cost or expense shall be chargeable to the defendant debtor in such action if he tender payment in money or duly accepted order for the excess of his personal earnings over and above ninety per centum thereof upon such written demand made therefor, provided that more than one such demand by the same creditor shall not be made at closer periods than thirty days and the amount demanded may be for the excess over and above ninety per centum earned during the interval of thirty days; provided further, that any voluntary payment or payments made by the debtor during such interval of thirty days shall be deducted from the amount which might be demanded as herein provided had no payment or payments been made.

Repeals.

SECTION 2. That section sixty-five hundred and one (6501), as amended April 26, 1898 (93 O. L., 321), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 249G

[Senate Bill No. 244.]

AN ACT

To amend section 4017 of the Revised Statutes of Ohio by supplementary section 4017*a*.

Be it enacted by the General Assembly of the State of Ohio:

Schools and attendance enforced:

SECTION 1. That section 4017 of the Revised Statutes of Ohio be supplemented by section 4017*a*.

Employment of teacher of music; board to furnish appliances and books.

Sec. 4017*a*. Each board of education may employ a teacher or teachers whose duty it shall be to give instruction and training in vocal music to the youth of all the schools of the district, and said board is empowered to purchase and supply all appliances and books necessary to the proper pursuit of said branch of study.

SECTION 2. That this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 250G

[Senate Bill No. 140.]

AN ACT

To amend section 5033 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Where action to be brought:

SECTION 1. That section 5033 of the Revised Statutes of Ohio be amended as follows:

Change of venue in suit by or against a corporation.

[Sec. 5033.] When a corporation having more than fifty stockholders is a party in an action pending in a county in which the corporation keeps its principal office, or transacts its principal business, if the opposite party make affidavit that he cannot, as he believes, have a fair and impartial trial in that county, and his application is sustained by the several affidavits of five credible persons residing in such county, the court shall change the venue to the adjoining county most convenient for both parties; and the cost of summoning and impanelling a jury, and the fees of said jury sitting in the trial of the case in the court of the county to which the venue is changed, shall be allowed and paid by the commissioners of the county from which said action is sent.

Cost of summoning jury and jury fees; how paid.

Repeals.

SECTION 2. Said original section 5033 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 251G

[Senate Bill No. 297.]

AN ACT

To amend section 1718*b* of the Revised Statutes of the state of Ohio, as amended April 23, 1891 (88 O. L., 341).

Be it enacted by the General Assembly of the State of Ohio:

Officers of cities, etc.:

SECTION 1. That section 1718*b* of the Revised Statutes of the state of Ohio, as amended April 23, 1891 (88 O. L., 341), be amended so as to read as follows:

Assessors and assistants in Cleveland.

Sec. 1718*b*. In every city of the second grade of the first class, not exceeding forty-two assessors, and such number of assistants as the auditor shall deem necessary, shall be appointed by the county auditor, not more than one-half of whom shall be from the same political party, and such appointments shall be subject to confirmation by the tax commission, and each assessor, and assistant,

shall receive for services a compensation of four dollars per day for each day actually employed in the performance of his duties, to be paid out of the county treasury. Every assessor so appointed shall, in addition to the general duties hereinafter prescribed, perform the same duties as are provided with respect to township assessors, and before entering upon his office shall take an oath and give bond in the sum of one thousand dollars, payable to the state, with two or more freehold sureties, approved by said tax commission, conditioned for the faithful and impartial performance of all his duties so prescribed, which bond, with his oath of office indorsed thereon, shall be filed and preserved by the county auditor in his office. No person shall be appointed or shall hold the office of assessor under the provisions of this section, who holds or is elected to any national, state, county, municipal or township office, or who is an employe of any national, state, county, municipal or township officer.

Repeals.

SECTION 2. Said original section 1718*b*, passed April 23, 1891 (88 O. L., 341), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 252G

[Senate Bill No. 287.]

AN ACT

To amend section 4 and to supplement section 5 with [section] 5*a*, 5*b*, 5*c*, 5*d* and 5*e* of an act [entitled "An act] to protect the mines in Ohio, and the lives of the persons employed therein," passed April 23, 1898 (93 O. L., 237, 238, 239).

Be it enacted by the General Assembly of the State of Ohio:

Inspector o mines:

SECTION 1. That section 4 be amended and that section 5 be supplemented with sections 5*a*, 5*b*, 5*c*, 5*d* and 5*e* of an act entitled "An act to protect the mines in Ohio, and the lives of the persons employed therein," passed April 23, 1898 (93 O. L., 237, 238, 239).

Sealing of well on abandonment.

Sec 4. It shall be the duty of the owner of any lands, or of the owner or operator of any well drilled for gas or oil thereon, and which in drilling shall have passed through any vein of minable coal, before abandoning, or ceasing to operate any such well, and before drawing the casing therefrom, to seal the same in the manner following: For the purpose of excluding all water from the oil bearing rock there shall be driven to such a depth below the water

supply as the chief mine inspector or such person as he may designate to witness the sealing of the well shall direct, a well rounded, well seasoned, wooden plug at least two feet in length, and equal in diameter to the diameter of the hole at that point, on the top of which there shall be filled to such a depth as the mine inspector or his assistant may direct, either oil well drillings or cement and sharp sand. In cases where the geological deposit is such as to prevent the sealing in the manner above described the well shall be securely filled with the rock drillings or other suitable material to a point even with the top of the oil bearing rock when the wooden plug above described shall be driven. There shall be also driven in such well to the depth of at least 25 feet below the floor of the lowest coal measure a round, seasoned wood plug at least 2 feet in length, and equal in diameter to the diameter of the well at that point. After the plug has been properly driven there shall be filled in on top of the same to the depth of at least 20 feet hydraulic cement, lime and sharp sand well mixed, one part each of the two former to two parts of the latter material. Immediately thereafter, there shall be well driven down into the cement a round, well seasoned plug at least 3 feet in length, tapering in form, and to be of the same diameter at a distance of 12 inches from the smaller end as the diameter of the well at the point to which the plug is driven. When any gas or oil well passes through any gas or oil bearing rock lying above the coal measures, the owner, agent, or lessee thereof, shall, upon abandoning or ceasing to operate such well, drive a dry wooden plug not less than 2 feet in length, equal in diameter to the diameter of the whole, to a point as near as possible to the top of the coal vein, on top of which there shall be filled at least 5 feet of sediment of drillings or cement and sand as the mine inspector or his assistant may direct.

License to drill.

Sec. 5*a*. It shall be the duty of every person, firm or corporation before attempting to drill any gas or oil well upon any land underlaid with mineral stone coal, first to make application to the chief inspector of mines for a license therefor, upon blanks to be furnished by him, granting to such person, firm or corporation the right to drill such gas, oil well or wells. Said application must contain an accurate description of the lot or land upon which said gas or oil well is to be drilled, together with such other information and descriptive matter as the chief inspector of mines may require; and for purposes such inspector is hereby authorized and empowered to prepare or cause to be prepared such blanks and forms as he may consider necessary to subserve the purposes of this act.

Inspector to issue license.

Sec. 5*b*. Upon such application being made and signed by the person, firm or corporation desiring such license and the payment of a fee therefor, hereinafter designated, it shall be the duty of such chief inspector of

mines to issue to such person, firm or corporation for each and every well so to be drilled, a license granting to them the right to drill such well upon the lot or land so described in such application. Such person, firm or corporation shall pay to such inspector of mines for each license herein provided for, the sum of five dollars, which sum shall be paid to such chief inspector of mines and by him paid to the treasurer of state, to be credited to a fund, a sufficient amount of which is hereby appropriated for the purposes of defraying the expenses of the inspector of oil and gas wells for the sealing of abandoned oil and gas wells in the manner set forth in the several sections of this act.

Fee.

Sec. 5*c*. When in the opinion of the chief inspector of mines, it becomes necessary, he may appoint a suitable person or persons to attend upon and witness the plugging and sealing of abandoned gas and oil wells as provided in this act. A person, firm or corporation desiring to abandon any gas or oil well, shall notify said chief inspector of mines or other person appointed by him for such purpose of such desire and of the time when said well will be plugged and sealed. It shall then be the duty of such inspector of mines or other person appointed by him, as provided herein, upon receipt of reasonable notice to attend upon and witness the sealing of such well. The person witnessing the sealing of such well shall immediately make report to the chief inspector of mines on blanks provided therefor, giving the date, manner of sealing, names of persons engaged therein, together with the witnesses present at the time of said sealing, and such other information as the chief inspector of mines may require.

Witness to sealing of well.

Report of witness.

Sec. 5*d*. Such person so appointed to witness the plugging and sealing of abandoned wells for his services shall receive the sum of one dollar and his actual expenses in connection therewith, to be paid out of the fund herein provided, upon a requisition signed by the chief inspector of mines.

Compensation of witness.

Sec. 5*e*. The chief inspector of mines shall keep a record in his office in which shall be entered a copy of each application for a license, together with the date of issue of such license and to whom issued; also the date when each well was abandoned and sealed, and the names of the persons witnessing such sealing.

Record of licenses granted and wells sealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 253G

[Senate Bill No. 340.]

AN ACT

To amend sections 3878 and 3880 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Powers of certain corporations:

SECTION 1. That sections numbered thirty-eight hundred and seventy-eight and thirty-eight hundred and eighty of the Revised Statutes of Ohio, shall be and are hereby so amended as to read as follows:

Companies for transportation of natural gas, oil or water; right of eminent domain.

Sec. 3878. A municipal corporation or a company organized for the purpose of transporting natural gas, petroleum, or water through tubing or pipes or for the purpose of storing and transporting water, may enter upon any land for the purpose of examining and surveying a line for its tubing and pipes, or for a reservoir, and may appropriate so much thereof as may be deemed necessary for the laying down of such tubing and pipes, and for the erection of tanks, and reservoirs for the storage of water for transportation, and the location of stations along such line, and the erection of such buildings as may be necessary for the purpose aforesaid; such appropriation shall be made and conducted in accordance with the law providing for compensation to the owners of private property appropriated to the use of corporations; and so far as the rights of the public therein are concerned, the county commissioners as to county and state roads, the township trustees as to township roads, and the council of municipal corporations as to streets and alleys, in their respective jurisdiction, may, subject to such regulations and restrictions as they may prescribe, grant to such company, the right to lay such tubing and pipe therein; provided, however, the right to appropriate for any of the purposes herein above specified, shall not include or extend to the erection of any tank, station, reservoir, or building, or lands therefor, or to more than one continuous pipe, or tubing, or land therefor, in or through a municipal corporation, without the council first consent thereto; provided, however, that no reservoirs for the storage and transportation of water shall be constructed within the corporate limits of any municipal corporation, or any public park, and all excavations, except reservoirs for storage and transportation of water, shall be well filled by such company and so kept by it, in all cases, and such company shall, for the purpose of transporting natural gas, oils and water, be considered and held to be a common carrier, and subject to all the duties and liabilities of such carriers under the laws of this state.

How right acquired.

Right to occupy public way; how acquired.

Filling of excavations; common carrier.

Further powers of such companies.

Sec. 3880. Any such company or municipal corporation may transport, store, insure and ship natural gas, petroleum or water, and transport and store water, for the purpose of furnishing the same to engineers employed in developing for, or in the production and transportation of petroleum, and for that purpose may lay down, construct

and maintain the necessary pipes, tubing, tanks, machinery and arrangements.

SECTION 2. That said original sections 3878 and 3880 be and the same are hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 254G

[Senate Bill No. 243.]

AN ACT

To amend section 2142 Revised Statutes of Ohio, providing for the control of quarantine grounds and relating to the power of boards of health, enabling municipalities to erect and maintain sanitary plants.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2142 of the Revised Statutes of Ohio be amended so as to read as follows: Board of health

Sec. 2142. Any city, village, hamlet or township, may establish a quarantine ground or grounds, within or without its own limits, but if such place be without its limits, the consent of the municipality or township within which it is proposed to establish it, shall be first obtained; and the board of health within the city, village, hamlet or township having quarantine grounds or dump grounds, shall have exclusive control of the same. Quarantine grounds. Control of grounds.

Sec. 2142*a*. The expression "sanitary plant" as herein used, shall be held to mean a structure with the necessary land and all the necessary fixtures and appliances and appurtenances required for the treatment and purification and disposal, in a sanitary manner, of either or both the liquid or solid wastes of the municipality. Upon the recommendation of the board of health of any city, village or hamlet, or if in any municipality, the powers usually vested in a board of health, have been vested in any other officer or board, then upon the recommendation of such officer or board, the city council, legislative body or other governing board, of any municipality, is hereby authorized to cause plans and estimates to be prepared and to acquire by condemnation or otherwise such land or lands within or without its corporate limits, as may be necessary to provide for the proper disposal, in a sanitary manner, of the sewage and the garbage and waste matters, or either or any of them of the municipality, and such council, legislative body or other governing board of the municipality, is hereby Definition of "sanitary plant." Plans and estimates; condemnation of funds for sanitary plant.

authorized, upon first obtaining the approval of the state board of health, to contract for, erect and maintain a sanitary plant or plants, on the land or lands acquired under the provisions of this act, together with all buildings, machinery, appliances and appurtenances, necessary for the disposal, in a sanitary and economic manner, of the sewage and garbage, night-soil, dead animals, offal, spoiled meats, and fish or any putrid substance, or any liquid or solid wastes, or any substance injurious to health, of the municipality.

Collections, removal and disposal of garbage, night-soil, etc.

Sec. 2142*b*. The said council, legislative body or other governing board, is hereby authorized to contract, for a period not exceeding five years for the collection and removal and disposal of such garbage, night-soil, dead animals and other solid waste substances, at the expense of such municipal corporation, or at the expense of persons responsible for the existence of such waste substance.

How funds raised for such purpose.

Sec. 2142*c*. For the purpose of carrying into effect the foregoing powers, the councils of cities, legislative bodies or governing boards of any municipal corporation or township may use any funds raised, or heretofore authorized in any manner and necessary for said purposes, and in case no funds are available and no bonds have been heretofore authorized for said purposes, and it be necessary to issue and sell bonds for said purposes, then the question of issuing any bonds of the municipality shall be submitted at an election conducted therefor in conformity with provisions of section 2836, except that a majority of the votes cast shall be deemed sufficient to authorize the municipal corporation to issue said bonds under this act, and the council or other legislative body shall not have authority to issue the said bonds unless a majority of the qualified electors of such municipality voting shall be in favor of the proposition to issue said bonds for said purposes.

Appointment of Sanitary board.

Sec. 2142*d*. Before submitting said proposition to a vote of the people, the city council, or other legislative body of said municipal corporation may by resolution determine to have all the work in connection with the erection and maintenance of said sanitary plant and the acquisition of the necessary real estate therefor, put under the control of a sanitary board, which shall be appointed before the vote is taken. Said board shall consist of two citizens from each of the two political parties casting the highest vote at the last preceding municipal election, who shall be appointed by the mayor by and with the consent and approval of the city council, or other legislative body of said municipal corporation, and shall serve for a term of two years and until their successors are duly appointed. Said boards shall have such reasonable compensation as the city council or other legislative [body] of said municipal corporation may prescribe, and shall have entire control of the erection and maintenance of said sanitary plant and the purchase of the necessary real estate therefor on behalf of said municipal

Constitution of board; how appointed; term.

Compensation and powers of board.

corporation and may, in its discretion, modify said original plans and specifications, subject however to the approval of the state board of health, and provided, that the total cost thereof shall not exceed the original estimate.

Levy for sanitary fund.

Sec. 2142*e*. For the purpose of providing a fund for the payment of the principal and interest of the bonds issued under this act, and of maintaining said sanitary plant or plants, said city council or other legislative body shall, in addition to the other levies authorized by law, levy annually a sufficient tax therefor on all the property subject to taxation in said municipal corporation and such taxes shall be levied and collected in the same manner as other taxes; and the proceeds thereof shall constitute the "sanitary fund" of said municipal corporation, and shall be held like other funds of said municipal corporation subject only to the written order of said city council or other legislative body, or governing or sanitary board of said municipal corporation which shall have control of said work.

Repeals.

SECTION 2. That said original section 2142 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 255G.

[Senate Bill No. 229.]

AN ACT

To amend section 2870 of the Revised Statutes of Ohio, relating to the sale of lands delinquent for taxes.

Be it enacted by the General Assembly of the State of Ohio:

Delinquent lands:

SECTION 1. That section 2870 of the Revised Statutes of Ohio, as amended April 18, 1892, be amended so as to read as follows:

Sale of delinquent lands.

Sec. 2870. The county treasurer or his deputy shall attend at the court house in his county, on the third Tuesday in January, in conformity with the notice prescribed in section twenty-eight hundred and sixty-four, and shall then and there at and after the hour of ten in the forenoon, proceed to offer for sale, separately, each tract of land, or city or town lot, or part of lot, contained in said advertisement, on which the taxes and penalty shall not have been paid; and the person or persons offering at said sale to pay the taxes and penalty charged on such land, lot or part of lot, for the least quantity thereof, shall be the purchaser or

purchasers of such quantity; and the treasurer shall continue such sale from day to day until each tract, lot or part of lot contained in such advertisement on which the taxes and penalty remain unpaid, shall have been sold or offered for sale. Provided, that in counties containing a city of the first or second grade of the first class, the sale of lands on which the taxes and penalty shall not have been paid, shall begin on the first Tuesday after the first Monday of February, and the sale thereof shall continue from day to day until each tract, lot or part of lot contained in such advertisement on which the taxes and penalty remain unpaid, shall have been sold or offered for sale.

Cuyahoga and Hamilton counties.

Repeals, etc.

SECTION 2. That section 2870 of the Revised Statutes, as amended April 18, 1892 (89 O. L., 395), be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.

JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900.

256G

[Senate Bill No. 51.]

AN ACT

To establish the office of and to prescribe the duties and powers of state fire marshal.

Be it enacted by the General Assembly of the State of Ohio:

Appointment of state fire marshal; term.

SECTION 1. That the governor is hereby authorized and empowered to appoint within sixty days after this act shall take effect, and every two (2) years thereafter, between the 15th day of January and the first day of February, by and with the advice and consent of the senate, and also within thirty days after the occurrence of any vacancy in the office, a suitable person who shall be a citizen of this state, as state fire marshal, who shall hold [the] office until his successor is appointed and qualified, the title of which office shall be state fire marshal. Such officer shall keep his office at the capitol, in the city of Columbus, and may be removed for cause at any time by the governor. The state fire marshal is hereby empowered and required to appoint two deputy fire marshals, to be designated as first and second deputies. The duties of said deputies shall be to assist the state fire marshal, and such deputies may be removed for cause by the said fire marshal. In the event of a vacancy in the office of marshal, or during the absence or disability of that officer the first deputy marshal shall perform the duties of the office.

Appointment of deputies; their duties.

Vacancies.

Duties of marshal in connection with other officers to investigate fires.

SECTION 2. The state fire marshal and the chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the township clerk of every organized township without the limits of any organized village or city, shall investigate the cause, origin and circumstances of every fire occurring in such city, village, town or township by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including the Lord's day, of the occurrence of such fire, and the fire marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns or townships shall forthwith notify said fire marshal, and shall within one week of the occurrence of the fire, furnish to the said fire marshal a written statement of all the facts relating to the cause and origin of the fire, and such other information as may be called for by the blanks provided by the said fire marshal. The state fire marshal shall keep in his office a record of all fires occurring in the state, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this act; such record shall at all times be open to the public inspection, and such portions of it as the insurance commissioner may deem necessary shall be transcribed and forwarded to him within fifteen days from the first day of January.

Notification of fire to marshal.

Record of fires.

Testimony under oath.

SECTION 3. The said state fire marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examina- is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case; and shall report to the insurance commissioner, as often as such commissioner shall require, his proceedings and the progress made in all prosecutions for arson, and the result of all cases which are finally disposed of.

Arrest of suspected person.

Report to insurance commissioner.

Power of marshal and deputies to summon and enforce attendance of witnesses.

SECTION 4. The state fire marshal and deputy fire marshals shall each have the power of a trial justice for the purpose of summoning and compelling the attendance of the witnesses before them or either of them, to testify in relation to any matter which is by the provision of this act a subject

of inquiry and investigation. Said state fire marshal and deputy fire marshals may also administer oaths and affirmations to any persons appearing as witnesses before them; and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such.

False swearing.

Power to enter buildings.

Said state fire marshal and his subordinates shall have authority at all times of day and night, in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of the state fire marshal may in his discretion be private, and persons other than those required to be present by the provisions of this act may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

Investigation may be in private.

Right of marshal and other officers upon complaint to enter buildings for purposes of investigation.

SECTION 5. The state fire marshal, the chief of fire department of all villages and cities where a fire department is established, and the mayor of cities or villages where no fire department exists, and the clerks of each township in the territory without the limits of an organized city or village, upon complaint of any person having an interest in any building or property adjacent, and without any complaint, shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction. Whenever any of said officers shall find in any building or upon any premises combustible material or inflammable conditions dangerous to the safety of said building or premises, they shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises; provided, however, that if the said occupant or owner shall deem himself aggrieved by such order he may within twenty-four hours appeal to the state fire marshal, and the cause of the complaint shall be at once investigated by the direction of the latter, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. Any owner or occupant of building or premises failing to comply with the orders of the authorities above specified, shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each day's neglect.

May order removal of combustible or inflammable materials.

Right of appeal of aggrieved person.

Penalty for noncompliance.

Penalty for neglect of official duty.

SECTION 6. Any officer referred to in section two who neglects to comply with any of [the] requirements of this act shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars.

Salaries of marshal and assistants.

SECTION 7. The state fire marshal shall receive an annual salary of $3,000, and the first deputy fire marshal $1,800, and the second deputy fire marshal $1,500. Said fire

marshal shall employ clerks and assistants and incur such other expense as may be necessary in the performance of the duties of his office, not to exceed, including salaries, such sum as may be paid into the state treasury in the manner hereinafter provided. For the purpose of maintaining the department of fire marshal, and paying the expenses incident thereto, every fire insurance company doing business in the state of Ohio, shall pay to the superintendent of insurance in the month of December, annually, in addition to the taxes now required by law to be paid by such companies, one-half of one per cent. on the gross premium receipts of such companies on all business done in Ohio the year next preceding, as shown by their annual statements, under oath, to the insurance department. The superintendent of insurance shall cover the money so received into the state treasury as a special fund for the maintenance of said office of fire marshal, and the expenses incident thereto. The state fire marshal shall keep on file in his office an itemized statement of all expenses incurred by his department and shall approve all vouchers issued therefor before the same are submitted to the auditor of state for payment, which said vouchers shall be allowed and paid in the same manner as other claims against the state.

Tax on insurance companies to defray expenses of department.

Itemized statement of expenses.

SECTION 8. The state fire marshal shall not engage in any other business, and he or one of his deputies shall at all times be in the office of the fire marshal ready for such duties as are required by this act.

Marshal not to engage in other business; attendance at office.

SECTION 9. The fire marshal shall submit annually as early as consistent with full and accurate preparation, and not later than the fifteenth day of January, a detailed report of his official action to the insurance commissioner, who shall embody the material portion thereof in his annual report to the governor.

Annual report.

SECTION 10. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 257G

[Senate Bill No. 20.]

AN ACT

To amend section 563 of the Revised Statutes of Ohio, as amended March 13th, 1894 (O. L., v. 91, 63).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 563 of the Revised Statutes of Ohio be so amended as to read as follows:

Attorneys-at-law:

Suspension or removal of an attorney; by whom and for what causes.

Sec. 563. The supreme court, the circuit court, or the court of common pleas may suspend or remove any attorney-at-law from office, for either of the following causes: Misconduct in office, conviction of crime involving moral turpitude, or unprofessional conduct involving moral turpitude; and such suspension or removal shall operate as a suspension or removal in all the courts of this state, and judges of such courts are required to cause proceedings to be instituted against any attorney-at-law, when it in any manner comes to the knowledge of any judge in whose court such attorney practices, that such attorney is probably guilty of any of the causes of suspension or removal; but before any attorney is suspended or removed, written charges must be filed against him, stating distinctly the grounds of complaint, and a copy thereof, certified by the clerk, under the seal of the court, shall be served upon him, and he shall, after such service, be allowed a reasonable time to collect and present testimony in defense, and be heard by himself or counsel; and in case of suspension or removal by the common pleas court, an appeal may be had to the circuit court, and the sentence of either the common pleas court or the circuit court may be reviewed on error in the supreme court. And if such suspended or removed attorney-at-law shall desire a modification of the decree of suspension or removal, he shall file a written motion therefor in the court which entered said decree. And the court in which such charges, or written motion, may heretofore have been or hereafter may be filed, shall allow to the person or persons appointed to file and prosecute the charges, or to resist the modification of any decrees, for their services in either case, such sum as by the court may be deemed reasonable, not exceeding one hundred dollars, to each person, together with such costs and expenses as may be or heretofore may have been incurred by them in and about such proceedings, which amounts so allowed shall be paid out of the county treasury of the county wherein such proceedings are had, upon the warrant of the county auditor, unless such charges, or motion, are filed in the supreme court, in which case the allowances aforesaid shall be paid out of the state treasury.

Proceedings against an attorney; charges to be filed.

Review of proceedings.

Motion for modification.

Proceedings.

Repeals.

SECTION 2. That said original section 563, as amended March 13, 1894, is hereby repealed.

SECTION 3. This act shall take effect and be in force [from] and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.

O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 258G

[Senate Bill No. 58.]

AN ACT

To amend Section 6969 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against public policy:

SECTION 1. That section 6969 of the Revised Statutes of Ohio be amended so as to read as follows:

Officer or agent of state who is interested in contracts for use of state.

Sec. 6969. It shall be unlawful for any person holding any office of trust or profit in this state, either by election or appointment, or any agent, servant or employe of such officer, or of a board of such officers to become directly or indirectly interested in any contract for the purchase of any property, supplies or fire insurance for the use of the county, township, city, village, hamlet, board of education or public institution with which he is connected. And it shall be unlawful for any such person, agent, clerk, servant or employe to become interested in any contract for the purchase of property, supplies or fire insurance for the use of any county, township, city, village, hamlet, board of education or public institution with which he is [not] connected when the amount of such contract exceeds the sum of fifty dollars, unless the contract is let on competitive bids, duly advertised as provided by law. Any person violating the provisions of this act shall be imprisoned in the penitentiary not more than ten years nor less than one year.

Repeals.

SECTION 2. Said original section 6969 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 259G

[Senate Bill No. 16.]

AN ACT

To amend an act entitled, "An act to amend section 3959 of the Revised Statutes of Ohio, as amended April 10, 1896."

Be it enacted by the General Assembly of the State of Ohio:

School funds:

SECTION 1. That section 3959 of the Revised Statutes as amended April 10, 1896, be amended to read as follows:

Maximum levy.

Sec. 3959. Such estimate and levy shall not exceed, in cities of the first grade of the first class, three and one-fourth mills, provided, however, that the boards of education in said cities may levy one mill additional for every

five thousand pupils over and above twenty-five thousand enrolled in the public schools of said cities, which levy, however, shall in no case exceed four and one-tenth mills; and in cities of the second grade of the first class such estimate and levy shall not exceed eight mills on the dollar of valuation of taxable property for the year 1900, nor more than seven mills on the dollar of valuation of taxable property thereafter; provided, however, that boards of education in said cities of the second grade of the first class may levy, for the year 1900, in addition to the eight mills aforesaid, and thereafter may levy in addition to the seven mills, a tax not to exceed one mill on the dollar of valuation of taxable property within said district which said levy shall be used for the purchase of school-house sites and the erection of school buildings thereon and for no other purpose whatever, and for the purpose of paying for such sites or for the construction of such buildings such boards of education may issue certificates of indebtedness in anticipation of such levy, payable at such times not exceeding one year from date of issue as they may designate, but bearing no interest before maturity. And in all other districts, except those hereinafter named, such estimate and levy shall not exceed seven mills on each dollar of valuation of taxable property; provided, however, that in counties containing a city of the first grade of the first class, in districts outside such city in which a high school is maintained, and in all special and village districts of any county in the state, such estimate and levy shall not exceed eight mills on each dollar of valuation of taxable property; but a greater tax than is authorized above, except in city districts of the first class, may be levied for either of the purposes specified in section 3958 if the proposition to make such levy shall have been first submitted by the board of education to a vote of the electors of the school district, under a resolution prescribing the time, place and manner of voting on the same, and approved by two-thirds of those voting on the proposition, notice of which election must be given by publication of the resolution for three consecutive weeks prior thereto in some newspaper published and of general circulation in the district, or by posting copies thereof in five of the most conspicuous places in the district, for a like period if no such paper is published therein.

Submission of question of greater levy.

Repeals.

SECTION 2. Section 3959 of the Revised Statutes, as amended April 10, 1896, is hereby repealed and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 260G

[Senate Bill No. 171.]

AN ACT

To amend sections 2721 and 2721*a* of the Revised Statutes of Ohio, as amended and passed April 25, 1898 (93 O. L., 258).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2721 and 2721*a* of the Revised Statutes of the state of Ohio, as amended and passed April 25, 1898 (O. L., vol. 93, page 258), be amended so as to read as follows:

Sinking fund:

Sec. 2721. The trustees of the sinking fund in cities other than those of the first grade of the first class, and the first grade of the second class, shall in the month of May in each year, or as soon thereafter as possible, certify to the city council the rate of tax necessary to provide a sinking fund for the future payment of the bonds issued by the city, and for the payment of judgments final against the city, except in condemnation of property cases, which rate shall not exceed in any year the sum of one mill; also the amount necessary to be levied to provide for the payment of the interest on all the bonded indebtedness of the city, and the rents due on all perpetual leaseholds of the city not payable from special funds; and the city council shall place the several amounts so certified in the tax ordinance before and in preference to any other item, and for the full amount certified.

Report of trustees to council.

Sec. 2721*a*. The trustees of the sinking fund in cities of the first grade of the first class and the first grade of the second class shall, in the month of May in each year, or so soon thereafter as possible, certify, in cities of the first grade of the first class to the board of legislation, and in cities of the first grade of the second class to the city council the rate of tax necessary to provide a sinking fund for the future payment of the bonds issued by the city, and for the payment of judgments final against the city, except in condemnation of property cases; also the rate of tax necessary to provide for the payment of the interest on all the bonded indebtedness of the city, and the rents on all perpetual leaseholds of the city not payable from special funds, and the several rates so certified shall be included in the tax ordinance before, and in preference to any other item, and for the full amount certified. Said taxes shall be in addition to the amount authorized to be levied for other municipal purposes, and shall be sufficient in connection with other available means to provide the money for the full payment of the said judgments, interests and rents as they become due, and for the final redemption of said bonds.

Report of trustees to board of legislation in Cincinnati and city council in Columbus.

SECTION 2. That said sections 2721 and 2721*a*, as amended and passed as aforesaid, be and the same are hereby

Repeals, etc.

repealed; and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 261G

[Senate Bill No. 201.]

AN ACT

To amend section (2435-47) section 2 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Water-works:

SECTION 1. That section (2435-47) section 2 of the Revised Statutes of Ohio, be amended so as to read as follows:

Municipalities may purchase water-works where erected.

Sec. (2435-47) Sec. 2. Any such municipal corporation, except cities of the first grade of the first class, in which water-works are constructed and existing and owned by an incorporated company, or an individual or individuals, shall have power to contract for the purchase of such water-works for such price and upon such terms as may be agreed upon between the council of such corporation and the owner or owners of such water-works. Provided, that no such contract, for the purchase of any such water-works, shall be of any validity until the same shall have been ratified at a special or general election to be holden in such corporation, by a majority of the electors voting at such election. But it shall not be necessary to the validity of such contract, that sufficient funds be in the treasury of the corporation applicable thereto for the purposes thereof, nor that the clerk of such corporation shall make or file his certificate to that effect.

Purchase must be approved by vote of electors.

Repeals.

SECTION 2. That section (2435-47) section 2 of the Revised Statutes as amended April 11, 1890, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 262G

[Senate Bill No. 30.]

AN ACT

Amending section 3697 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Agricultural corporations:

SECTION 1. That section 3697 be amended to read as follows:

Organization of district or county agricultural societies.

Sec. 3697. When thirty or more persons, residents of any county, or district embracing two or more counties, organize themselves into a society for the improvement of agriculture within such county or district, and adopt constitutions and by-laws, agreeable to the rules and regulations to be furnished by the state board of agriculture, and appoint the usual and proper officers, and the society pays to its treasurer, by voluntary subscription, or by fees imposed upon its members, any sum of money in each year not less than fifty dollars, and the president of the society certifies to the respective county auditors the amount thus paid, attested by the oath of the treasurer before a magistrate, the county auditors embraced within the district in which such society is organized, shall draw an order on the treasurer of the respective counties in favor of the president and treasurer of the society, for a sum equal to the amount thus raised, not exceeding two cents to each inhabitant of the county upon the basis of the last previous national census, but not exceeding in any county the sum of eight hundred dollars; and the treasurer of said [the] county shall pay the same. Provided, that where in any county containing a city of the second grade of the first class, the site for holding county fairs is situated so far from the geographical center of said county, that, in the opinion of the commissioners of said county, the agricultural interests of said county will best be promoted by the establishment of another and additional society and site whereon to hold fairs; upon the organization of such additional society in the manner provided herein, said additional society shall be entitled to receive out of the county treasury in any sum not to exceed the amount which said commissioners are now authorized to allow by this section and section 3702*a*.

Additional society may be organized in Cuyahoga county.

Repeals

SECTION 2. That said original section 3697 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.

O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 263G

[Senate Bill No. 290.]

AN ACT

To amend an act entitled, "An act construing certain laws heretofore passed at this session of the general assembly of the state of Ohio, regulating and changing the salaries of county officers in certain counties of the state."

Be it enacted by the General Assembly of the State of Ohio:

Salary acts not to affect officers elected prior to passage.

SECTION 1. That no act heretofore passed at this session of the general assembly, regulating the salaries and compensation of county officers in any county of the state, shall be construed to affect or change in any manner, the salary or compensation of any county officer elected prior to the passage of such act or acts.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.

O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 264G

[Senate Bill No. 283.]

AN ACT

To amend an act entitled "An act requiring instruction in the common schools and in certain educational institutions, as to the effect of alcoholic drinks and narcotics on the human system," passed by the general assembly of Ohio, April 13, 1888. (Vol. 85, Ohio Laws, 213.)

Be it enacted by the General Assembly of the State of Ohio:

Instruction as to effect of alcoholic drinks on the human system, required in public schools.

Provision therefor.

SECTION 1. The nature of alcoholic drinks and other narcotics, and their effects on the human system, in connection with the various divisions of physiology and hygiene, shall be included in the branches to be regularly taught in the common schools of the state, and in all educational institutions supported wholly, or in part, by money from the state; and it shall be the duty of boards of education, and boards of such educational institutions to make suitable provisions for this instruction in the schools and institutions under their respective jurisdiction, giving definite time and place for this branch in the regular course of study; and to adopt such methods as will adapt the same to the capacity of pupils in the various grades; and to corresponding classes as found in ungraded schools; the same tests for promotion shall be required in this as in other branches.

Instruction of teachers.

SECTION 2. In all teachers' institutes, also in all normal schools and teachers' training classes which shall here-

after be established by the state, adequate time and attention shall be given to instruction in the best methods of teaching this branch. No certificate shall be granted to any person to teach in the common schools, or in any educational institution supported as aforesaid who does not pass a satisfactory examination on this subject, and the best methods of teaching the same. It shall be the duty of the state commissioner of common schools to see that the provisions in this section relating to county teachers' institutes, and schools and classes by whatever name hereafter established for training teachers, and the examination of teachers, are carried out; and said commissioner shall, each year, make full report of the enforcement of said section in connection with his annual report.

Examination of teachers required.

Duty of commissioner of common schools.

SECTION 3. Any school official, or any employe in any way concerned, in the enforcement of the act, who wilfully refuses or neglects to provide for, or to give the instruction required by this act, shall be fined, and shall pay for each offense the sum of twenty-five dollars. Mayors, justices of the peace and probate judges shall have concurrent jurisdiction with the common pleas court to try the offenses described in this act and all fines, or penalties, collected under this act shall be paid into the general county school fund of the county in which such fine or penalty was collected.

Penalty for failure to give such instruction.

SECTION 4. That an act entitled "An act requiring instruction in the common schools and in certain educational institutions, of the effect of alcoholic drinks and narcotics on the human system," passed by the general assembly of Ohio April 13th, 1888 (85 vol. Ohio Law, 213), be, and the same is hereby repealed.

Repeals.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 265G

[Senate Bill No. 146.]

AN ACT

To amend section 5302 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5302 of the Revised Statutes of the state of Ohio be so amended as to read as follows:

Exceptions:

Sec. 5302. If the exception be not true, then, after it is corrected, the trial judge, or a majority of the judges composing the trial court, must allow and sign it before

Time of its allowance and signing.

the case proceeds; or if the party excepting consents within fifty days after the overruling of a motion for a new trial, or the decision of the court when a motion for a new trial is not necessary. Or in case of the absence of the trial judge or judges from the district or circuit, on or before the fifth day of the next ensuing term of the court, in accordance with the provisions of section 5301. The bill of exceptions shall be filed with the pleadings, and, if the party filing the same shall request it, made a part of the record, but not spread upon the journals. And an entry of the allowance and signing of the same must be entered upon the journal of the court within the time fixed for such allowance and signing. Provided, that where exceptions are not allowed and signed during the progress of the trial, the party excepting shall submit the bill of exceptions to the opposite counsel for examination not less than ten days before the expiration of said fifty days. And unless the trial judge or judges shall be absent from the district or circuit as provided in section 5301, the same shall be submitted by him or them for his or their signatures, not less than five days before the expiration of said fifty days, and if said trial judge or judges find the bill of exceptions to be not correct, he or they shall correct the same or furnish therewith to counsel written minutes wherein the same is to be corrected. Provided, further, that the trial judge or judges may at his or their discretion extend the time for signing such bill of exceptions for a period not exceeding ten days beyond the expiration of said fifty days; which extension must be endorsed on the bill of exceptions by said trial judge or judges.

Absence of trial judge.

Filing and record.

Entry upon journal.

Submission to opposite counsel.

Submission to trial judge or judges for signature.

Extension of time for signing.

Repeals.

SECTION 2. Said original section 5302 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 266G

[Senate Bill No. 353.]

AN ACT

To authorize the sale of canal lands lying between Erie street and the Ohio canal and south of lot number 333 in the city of Massillon.

Be it enacted by the General Assembly of the State of Ohio:

Authorizing sale of certain canal lands.

SECTION 1. That authority be and hereby is granted to the governor, attorney-general and canal commission to sell the following described canal lands situate in the

city of Massillon, Stark county, Ohio, to wit: Being a tract of land fronting 16 feet on Erie street and extending westwardly 24 feet, lying immediately south of and adjoining lot originally numbered 27 in the Massillon rolling mill company's alteration and subdivision of lot "E," and now numbered 333, at an appraisement and upon such terms and conditions as said commission may make. Provided, that the present lessee of said tract of land or his assignee shall have the right to purchase said tract of land at private sale at the valuation upon which the present lease is based. Provided, further, that when the amount thereof has been paid into the state treasury, the governor shall make a deed conveying the said tract of land to the said lessee or his assignee, and the board of public works shall then cancel and annul the said lease.

SECTION 2. This act shall be in effect on and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 267G

[Senate Bill No. 63.]

AN ACT

To amend section 4104 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4104 of the Revised Statutes of Ohio be amended so as to read as follows:

Colleges and universities:

Sec. 4104. In cities of the first grade of the first class where there are universities supported in whole or in part by public taxation upon the property of such city, the board of education of the city shall, upon the application of said board of directors of such universities, assess and levy a tax on the taxable property of the city, not less than nor more than three-tenths of one mill on the dollar valuation thereof, to be applied by the board of directors to the support of such university, college, or institution, and the board of education shall also assess and levy, annually, not less than three-hundredths nor more than five-hundredths of one mill on the dollar of such valuation, for the establishment and maintenance of an astronomical observatory in connection with such university, college or institution, the proceeds of which shall be paid to the board of directors, and applied by them for said purpose exclusively.

When and how tax shall be levied.

SECTION 2. That the original section 4104 be and hereby is repealed, and all acts and parts of acts inconsistent

Repeals.

with this act are declared void as to such inconsistency, but not otherwise.

SECTION 3. This act shall take effect and be in force, from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 268G.

[Senate Bill No. 127.]

AN ACT

To amend section 917 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

County commissioners:

SECTION 1. That section 917 of the Revised Statutes of Ohio be amended so as to read as follows:

Shall make report in writing to court of common pleas

Sec. 917. The county commissioners, annually, on or before the third Monday in September, shall make a detailed report in writing, itemized as to amount, to whom paid and for what purpose, to the court of common pleas of the county, of their financial transactions during the next year preceding the time of making such report. The commissioners of each county shall each forfeit and pay into the county treasury five dollars for each day after the third Monday of September, annually, that the making and filing of said report is delayed, and the court shall cause the same to be investigated and examined by the prosecuting attorney of the county, together with two suitable persons to be appointed by the court, and the two persons so appointed shall each be allowed and paid out of the county treasury, on the warrant of the county auditor, the sum of three dollars per day, for the time they are necessarily employed in making said investigation; to aid in their investigation, the persons so appointed, with the prosecuting atorney, to examine said report, shall have power when, in their opinion it is necessary, or the court shall so order to subpoena witnesses to appear before them at such time and place as is designated; upon the filing of a precipe with the clerk of the court of common pleas, he shall issue a subpoena, directed to the sheriff of the county, who shall serve the same and make return according to law; such witnesses may be sworn before any officer authorized to administer oaths and shall thereupon be compelled to answer such questions as are put to them relative to the official transactions of the county commissioners; the clerk of the court shall certify all costs arising under these proceedings to the auditor of the county, who shall draw war-

Forfeiture for such delay.

Examination of report; compensation therefor.

rants upon the county treasurer for the payment of the same, and said examiners, when they have completed their examination, with the auditor of the county, shall leave said financial statement, and the report of their examination, with the auditor of the county, for the use of the commissioners, who shall immediately thereafter, cause said statement, together with the report of the examiners, to be published in a compact form, one time in two newspapers of different political parties, printed in the county, and of general circulation in said county, if there are two such papers published; if not, then a publication in one paper only is required; and in addition to the publication therein required, be published in one newspaper printed in the German language and having a bona fide circulation of not less than six hundred, if there be such a paper printed, and in general circulation among the inhabitants speaking that language in the county, and in the same manner; in case of any violation of the law, the prosecuting attorney is directed to cause the same to be prosecuted according to the nature of the case; and if any county commissioners in this state fail or neglect to make the report required of them by this chapter, at the time therein required, they shall be fined in any sum not exceeding one hundred dollars; and the prosecuting attorney of any such county shall prosecute in the court of common pleas, as is provided by law in similar cases, any one or all of such commissioners who neglect or refuse to publish the required statement, as herein provided.

Prosecution for violation of law

SECTION 2. That said original section 917 of the Revised Statutes of Ohio be and the same is hereby repealed.

Repeals.

SECTION 3. That this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 269G

[Senate Bill No. 21.]

AN ACT

Authorizing the appointment of a commission to ascertain and mark the positions of Ohio troops in the siege of Vicksburg, and to make an appropriation to pay the necessary traveling expenses of the members of the commission.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the governor of the state be and is hereby authorized to appoint a commission, consisting of six citizens of Ohio, each of whom shall have served with honor in the campaign and siege of Vicksburg, who shall serve without pay and whose duty it shall be to coöperate

Appointment of commission to mark positions of Ohio troops at siege of Vicksburg.

with the national park commission in ascertaining and marking the positions occupied in the siege of Vicksburg, by each regiment, battery and independent organization from this state which were there engaged.

Appropriation.

SECTION 2. That the sum of one thousand dollars be, and the same is hereby appropriated out of any money in the state treasury, to the credit of the general revenue fund, not otherwise appropriated, to be drawn and used by said commission to pay the personal expense of the members of said commission in the discharge of the duties aforesaid on the presentation of such certified vouchers as the auditor of state shall direct.

Report to governor.

SECTION 3. Said commission shall make a full report of the execution of its trust to the governor on or before the fifteenth day of January, nineteen hundred and two.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 270G

[Senate Bill No. 42.]

AN ACT

To amend section 5837 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Sureties:

SECTION 1. That section 5837 of the Revised Statutes of Ohio be amended so as to read as follows:

Sureties of county officers may apply to be discharged.

Sec. 5837. A surety of a sheriff, auditor, probate judge, county treasurer, clerk of the court of common pleas, recorder, coroner, infirmary director, or county surveyor, may at any time notify the county commissioners by giving at least five days' written notice that he is unwilling to continue as surety for such officer, and will at a time to be then named, make application to the commissioners to be released from further liability upon his bond; and he shall also give at least three days' written notice to each of such officers of the time and place at which such application will be made.

Repeals, etc.

SECTION 2. This act shall take effect and be in force from and after its passage and said original section 5837 is hereby repealed.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 271G

[Senate Bill No. 258.]

AN ACT

For the relief of George Miller.

Preamble.

WHEREAS, On the 29th day of June, 1891, George Miller entered into a contract with the board of public works of Ohio for the privilege of removing sand and gravel from the beds of the Maumee and Auglaize rivers covered by slack water; and

WHEREAS, Litigation grew out of said contract whereby it was determined that the state of Ohio had no right to make said contract; and

WHEREAS, Said George Miller has expended the sum of seven hundred and ninety-seven dollars and sixty cents ($797.60) in the payment of rentals and in said litigation; therefore

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for George Miller.

SECTION 1. That there is hereby appropriated from any money in the treasury of the state to the credit of the general revenue fund, and not otherwise appropriated, the sum of $797.60 for the relief of said George Miller, and the auditor of state is hereby authorized to draw his warrant on the treasurer of state for said sum in favor of said George Miller.

SECTION 2. This act shall take effect and be in force on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 272G

[Senate Bill No. 126.]

AN ACT

For the improvement of certain public roads, and to amend an act of the general assembly passed April 19, 1898.

Be it enacted by the General Assembly of the State of Ohio:

Improvement of certain public roads.

SECTION 1. That in any county in [of] this state having not less than two hundred and twenty-five miles of improved graveled free roads, including any former toll-roads, where there is an unimproved county road or part thereof, not exceeding three miles in length, connecting two improved graded public roads or an improved part of one such public road with another such improved road or part thereof, such unimproved county road or part thereof may be improved by grading, graveling, draining and bridging,

or by any of such operations, by the commissioners of such county in the manner provided in this act.

Petition for improvement; appointment of viewers, and duties.

SECTION 2. Whenever twenty or more landholders from three or more townships of any such county file with the commissioners thereof a petition for such improvement, naming the road or part thereof to be so improved, with its termini, said commissioners shall appoint three disinterested and judicious freeholders of the county as viewers of such road, who shall, after being duly sworn faithfully to perform their duties, secure a surveyor and proceed to view said road and ascertain the character and dimensions of the improvements which, in their judgment, should be made, make a careful estimate of the cost thereof, and make due return with proper detail drawings of the same to said commissioners.

Finding for the improvement.

SECTION 3. On such return of said viewers being made, said commissioners shall determine whether the proposed improvement, in their judgment, is of such a nature and general benefit as should in fairness be paid [for] out of the county treasury, taking into consideration the benefits that such locality has derived from the bridge and other general funds of the county, in comparison with other portions thereof; and if they are of the opinion that such improvement should be made, they shall so declare by resolution. And thereupon they shall pass upon said report of said viewers as to the character and dimensions of such improvement, which they may modify, but not so as to increase the estimated cost thereof.

Improvement to be made under supervision of superintendent of work; compensation of superintendent, viewers and surveyor.

SECTION 4. On the approval of said report of said viewers, either in its original form or as modified, said commissioners shall cause said improvement to be made under the supervision of a competent and disinterested person appointed by them as a superintendent of work; such superintendent shall be under their control and direction, and removal for cause at their pleasure, and shall receive for his services the sum of two dollars per day; and said viewers each shall receive for their like services a like sum; and the surveyor shall receive the compensation prescribed by law. Not more than one such improvement shall be made in any county in any period of two years.

Superintendent to furnish estimates.

SECTION 5. Any such improvement shall be advertised, let and paid for, on estimates of the superintendent, approved by said commissioners, as it progresses, as if done under title 7, chapter 7, of the Revised Statutes of Ohio.

Bonds.

SECTION 6. Said commissioners may issue and sell at not less than par the bonds of said county in sums of one hundred dollars, or multiples thereof, bearing interest not exceeding five per cent. per annum and having not exceeding three years to run, payable principal and interest at the treasury of said county or at such point in the city of New York as may be designated therein, for the amount necessary to cover the cost of such improvement, which shall

not exceed two thousand dollars per mile, and shall provide for the payment of such bonds by the necessary levies upon the grand duplicate of said county. Provided such bonds may be paid for out of the bridge fund or general road improvement fund, or both, and the levy for either or both of said funds may be increased above that now provided by law to the amount necessary to meet such expense.

To what other roads provisions of act shall apply.

SECTION 7. The provisions of the foregoing act shall apply to any unimproved county road which may be located upon or adjacent to any county line, upon condition that all the counties adjoining said road shall be such as are described in the foregoing act. Such road upon or adjacent to any such county line may be improved under the provisions of the foregoing act by the action of the joint board of commissioners of the two or more counties adjoining said road. In such case the petition therefor must be signed by twenty or more landholders from three or more townships of each county interested in said improvement. Upon such petition so signed being filed with the auditor of either county so interested in said improvement, it shall be the duty of said auditor to call a session of the joint boards of commissioners of said counties to take action thereon; and the said joint board shall have full jurisdiction to so construct and improve said road under the provisions of said act. The expenses of said improvement shall be apportioned between the counties interested therein [in] such proportion as may be deemed just and equitable by said joint board of commissioners. And each of said boards may issue and sell the bonds of their respective counties, as provided in section six of this act; the said bonds to be issued for a sum sufficient to pay the proportionate share of said costs allotted to each of said counties.

Repeals, etc.

SECTION 8. That the act of the general assembly passed April 19, 1898, entitled "An act for the improvement of certain public roads," be and the same is hereby repealed, and this act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 273G

[Senate Bill No. 129.]

AN ACT

To amend section 6976 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against public policy:

SECTION 1. That section 6976 of the Revised Statutes of Ohio be amended so as to read as follows:

Municipal officer or township trustee interested in public work.

Sec. 6976. An officer or member of the council of any municipal corporation or the trustee of any township who is interested directly or indirectly in the profits of any contract, job, work or services for the corporation or township, or acts as commissioner, architect, superintendent or engineer in any work undertaken or prosecuted by the corporation or township during the term for which he was elected or appointed, or for one year thereafter, shall be fined not more than one thousand dollars nor less than fifty dollars, or imprisoned not more than six months nor less than thirty days, or both, and shall forfeit his office.

Repeals.

SECTION 2. Said original section 6976 of the Revised Statutes is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 274G

[Senate Bill No. 347.]

AN ACT

To supplement section 2723 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Sinking fund:

SECTION 1. That section 2723 of the Revised Statutes of Ohio be supplemented by section 2723*a* as follows:

Trustees of sinking fund in Columbus may borrow money in anticipation of taxes.

Sec. 2723*a*. Loans, at a rate of interest not exceeding (6) six percent per annum, may be made by said trustees of the sinking fund, in any city of the second grade of the first class, for interest and sinking fund purposes in anticipation of taxes levied and in process of collection; but the aggregate amount of such loans shall not exceed the amount of taxes and revenue from the levy for interest and sinking fund purposes due and payable into these funds from the next succeeding semi-annual collection of taxes, nor shall such loans extend more than three days beyond the settlement day for such semi-annual collection of taxes. Notes given for and in evidence of loans entered into under the provisions of this section shall be signed by the president of the board and attested by the secretary or clerk and at least two trustees of the board.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives

President of the Senate.

Passed ————, 1900. 275G

LOCAL LAWS.

[House Bill No. 31.]

AN ACT

To authorize cities of the second class, third grade *c*, or cities which, on the first day of July, A. D. 1890, have more than twelve thousand three hundred and less than thirteen thousand three hundred inhabitants, and those which, on the first day of July, in any year, have, when ascertained in the same way, more than twelve thousand three hundred and less than thirteen thousand three hundred inhabitants, to issue and sell bonds for building, constructing and completing main trunk, sanitary and house drainage sewers, and surface or storm sewers.

[PORTSMOUTH.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That cities of the second class, third grade *c*, or cities which, on the first day of July, A. D. 1890, have more than tweleve thousand three hundred and less than thirteen thousand three hundred inhabitants, and those which, on the first day of July, in any year, have, when ascertained in the same way, more than twelve thousand three hundred and less than thirteen thousand three hundred inhabitants, are hereby authorized and empowered to issue and sell bonds in the sum not to exceed twenty thousand dollars ($20,000), and to use the proceeds arising from the sale of such bonds in paying for the building, constructing and completing of main trunk, sanitary and house drainage sewers, and surface or storm sewers.

SECTION 2. That such bonds shall be issued by the city councils of such cities, in such amounts and at such times as such councils may deem necessary, and shall bear interest at such rate per cent. per annum, payable semi-annually, not to exceed 5 per cent. as such councils may determine. Such bonds shall be designated "sewer bonds" and shall be of the denomination of one thousand dollars ($1,000) each, and shall be payable in twenty years from the date of issue.

SECTION 3. That for the purpose of paying the principal and interest of such bonds, such councils are hereby authorized to and shall levy annually, upon all the taxable property in such cities, a tax sufficient in rate and amount to pay the interest on, and provide a sinking fund for the payment of such bonds at maturity; such tax, if such councils shall deem it necessary, may be additional in rate and amount to all other taxes authorized to be levied by such cities, for any and all other purposes.

SECTION 4. That this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed January 10, 1900. 1L

[Senate Bill No. 11.]

AN ACT

To authorize the trustees of Falls township, Hocking county, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Falls township, Hocking county, are hereby authorized to transfer any fund not exceeding one thousand dollars ($1,000) from the poor fund to the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed January 31, 1900. 2L

[Senate Bill No. 26.]

AN ACT

Authorizing the trustees of Goshen township, Tuscarawas county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of trustees of Goshen township, Tuscarawas county, Ohio, be and they are hereby authorized to transfer fifteen hundred ($1,500) dollars from the poor fund of said township to the road fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed January 31, 1900. 3L

[Senate Bill No. 6.]

AN ACT

Relative to the duties and compensation of certain county officers of Clermont county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Clermont county the compensation of officers hereafter elected shall be by annual salary exclusively, except as otherwise provided by sections six and nine of this act as follows: The auditor $2,750; the treasurer $2,250; the probate judge $2,500; the clerk of the court of common pleas $2,000; the sheriff $2,250; the recorder $1,400; the prosecuting attorney $1,200; the surveyor $700; the coroner $150;

each county commissioner $1,200; each infirmary director, $150; and neither of said officers shall receive, nor agree to receive, directly or indirectly, any additional compensation from any source whatever for the performance or omission of any official duty; provided, however, that the auditor, probate judge, treasurer, sheriff, prosecuting attorney, surveyor, and each county commissioner, when necessary to go out of the county on official business connected with their respective duties, may each, in addition to his salary, charge and receive his actual expenses of transportation to and from the county seat and no more; which expenses shall be paid by the county on the warrant of the auditor, on first producing to the auditor an itemized account therefor, approved, in writing, by the prosecuting attorney. All such salaries shall be paid by the county in equal monthly installments out of the county treasury, on the warrant of the auditor; but if any such officer shall die, resign, or be removed from office, his compensation shall cease at the time of his death, resignation or removal; and no compensation shall be paid by the county to any deputy, clerk, or other employe of such officers.

SECTION 2. All fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by the auditor, probate judge, clerk of the court of common pleas, treasurer, sheriff, recorder, or prosecuting attorney, or by the sheriff, as a special master commissioner, or as receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in sections six and nine, and the total receipts thereof each calendar month by each of said officers, shall, except as otherwise provided in section five, be paid by him to the county treasurer at the close of business on the last business day of each month, and be duly receipted and accounted for by the treasurer; and said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, and by whom paid to him each day and the amounts paid to the treasurer each month and the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act, until final judgment, except in habeas corpus and divorce cases.

SECTION 3. Each officer mentioned in section two shall, on the first business day of each month, file with the county commissioners a statement verified by his affidavit, showing the full receipts daily by him for the preceding month (and the total for the month) from each of the sources specified in the preceding section, and also a statement verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each; and each statement after the first, of the amounts due and unpaid, shall begin with the showing of the amount theretofore reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires, he shall file with the commissioners like statements, showing such receipts daily since his last statement, and such amounts due and unpaid up to that time.

SECTION 4. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with and observed; and all statements required by the preceding sections to be filed with them shall be carefully preserved, and shall be subject to public inspection during all official business hours; and the account books provided by section two shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer named in section two shall be turned over to his successor in office.

SECTION 5. Each officer mentioned in section two shall exercise due vigilance in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal and certified to the treasurer, authorize the treasurer to omit for forty days to enforce payment of penalties for the nonpayment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section three the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 6. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms the manner in which such prisoners shall be kept and provided for, and shall see that the terms are fully complied with.

SECTION 7. Nothing in this act shall be construed to vest in any officer mentioned in section one such fees, costs, percentages, penalties, allowances and other perquisites as are unpaid at the end of their respective terms, but the same shall be the property of the county, to be collected by their successors in office, and applied, as provided in this act; but fees, costs, percentages, penalties, allowances and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected thereby.

SECTION 8. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county, and all warrants issued by the county auditor by [in] pursuance thereof shall be drawn upon said fund.

SECTION 9. All accounts of costs and fees due to any of the officers named in section one of this act, which remain unpaid for one year, shall, by such officer, be transferred to the prosecuting attorney for collection, who shall, on the first Monday in each month, pay over to the officer for whom the collection is made all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount paid over and enter a statement of such payment on the books of his office; and execution shall be issued on the precipe of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. The prosecuting attorney shall report to the officer from whom he may have received any such accounts on the first Monday of each month, a full statement of all accounts still in his hands uncollected. For such services the prosecuting attorney shall, in addition to the salary provided in section one, receive five percentum on all accounts so collected by him; and where the same is collected by the sheriff on execution issued on the precipe of the prosecuting attorney, the sheriff,

in addition to his salary provided in section one, shall be allowed to retain five percentum of the amount actually paid to him on such execution, and no more; and all sums so received by the sheriff shall be paid by him to the posecuting attorney, less five percentum thereof, to be accounted for by the prosecuting attorney as herein provided.

SECTION 10. If any officer mentioned in section one wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof, or wilfully makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein, he shall be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one year nor more than five, or both. The penalties herein provided for against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall be paid into the county treasury, to the credit of the general fund of the county.

SECTION 11. The official bond required by law heretofore or hereafter taken from any of said officers shall be deemed to make the parties to the same liable for any violation on the part of the officers for whom they are sureties of any of the provisions of this act, and for the faithful performance of all the duties required thereby.

SECTION 12. Any provision of statute in force when this act takes effect, which conflicts with any provision of this act, to the extent that it is inconsistent with the latter, and not otherwise, shall be held to be superseded by this act as to the said county of Clermont, but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 13. This act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed January 25, 1900. 4L

[House Bill No. 104.]

AN ACT

To amend section 1439, Revised Statutes of Ohio, so as to permit the sale of certain ministerial land in Guyan township, Gallia county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Section 1439 of the Revised Statutes of the State of Ohio be amended so as to read as follows:

Sec. 1439. Section sixteen, donated and set apart for the support of schools, and section twenty-nine, for the purpose of religion, or lands granted in lieu of either, by the directors of the Ohio company, on the seventh day of January, 1796, in the following original surveyed townships with the Ohio company's purchase, to wit: Township number eight, in range number twelve; township number seven, in range number thirteen; township number eleven, in range number fourteen; township number thirteen, in range number fifteen; townships num-

bers eight, nine, ten, eleven, twelve and thirteen, in range number sixteen, and such parts of section twenty-nine, as have not been previously sold, in township number three, in range number fifteen, may be sold or the leases thereto, whether permanent or otherwise, surrendered, and said sale or surrender shall be regulated by and conducted according to the provisions of this chapter; and the leases [lessees] of any of said lands holding leases for any term less than ninety-nine years, shall be permitted to surrender their said leases in the same manner, and be entitled to all the benefit of this chapter, as if their leases were for ninety-nine years.

SECTION 2. Original section 1439 is hereby repealed, and this act shall be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed January 30, 1900. 5L

[House Bill No. 20.]

AN ACT

Relative to the duties and compensation of certain county officers in Highland county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Highland county the compensation of officers hereafter elected shall be by annual salary exclusively, except as otherwise provided in sections 11 and 15 of this act, as follows: The auditor, eighteen hundred dollars; the treasurer, eighteen hundred dollars; the probate judge, sixteen hundred dollars; the clerk of the court of common pleas, eleven hundred dollars; the sheriff, fifteen hundred dollars; the recorder, one thousand dollars; the prosecuting attorney, one thousand dollars; each county commissioner, seven hundred and fifty dollars; each infirmary director, two hundred dollars.

SECTION 2. Neither the county treasurer, county auditor, probate judge, clerk of the court of common pleas, sheriff, prosecuting attorney, county recorder, county commissioners, or infirmary directors, shall receive or agree to receive directly or indirectly, any additional compensation for any service whatsoever, for the performance or omission of any official duty, nor a reward of any kind from any employe in his office, or other person, in consideration of the appointment of any such employe, nor any portion of the compensation of any of his employes, nor any money or thing by way of gift or otherwise, from any officer, agent or employee of the county, or of the commissioners, or from any other person, except as provided in this act. And no such employe shall pay or agree to pay, directly or indirectly, to the officer by whom he is employed, any reward for his appointment, nor receive from any person any fee or compensation for his own use, or for the use of such officer for the performance or omission of any official duty. The compensation of the deputies, assistants and other clerks and employes of such officer, except persons employed temporarily, as provided in sec-

tion three hereof, shall be by annual salary exclusively, to be paid monthly by the county in the manner hereafter provided; but if any such officer be removed from office, or any such assistant, deputy, clerk or employe be dismissed from his position, his compensation shall cease at the time of notice of his removal or dismissal.

SECTION 3. Each of said officers may select and name the persons, if any, to be employed in his office as deputies, assistants, clerks or employes, and may designate the position or capacity in which they shall each serve, respectively, but the number of such deputies, assistants, clerks or employes, if any, shall be determined by the judge of the court of common pleas, and in determining the number of such deputies, assistants, clerks or employes, for any office, such judge shall have in view the number of such deputies, assistants, clerks or employes in each such respective office, during the year preceding the passage of this act; but no more persons shall be selected and named by any such officers and allowed by said judge, than are absolutely necessary to properly perform in connection with said officer, the work required in any such office, having in view the economical administration of said respective offices. Provided, that the employment of deputies, assistants, clerks or employes, temporarily, in addition to the regular employes may be authorized by said judge, for a period of not more than forty days, when satisfied that the business of any such office necessarily requires such temporary additional help. But no appointment of any such deputy, assistant, clerk or employe shall be made, either temporarily or permanently, except upon the written authorization of said judge, which authorization shall be filed in the office of the county auditor and which shall state the number of said deputies, assistants, clerks or employes, and the character and extent of the duties and services which each of said deputies, assistants, clerks and employes are respectively selected to perform. The compensation of each such deputy, assistant, clerk or employe shall be determined by the board of county commissioners at a regular session of said board and the proceedings and determination of said board of county commissioners shall be entered upon their journal or order book. And said board shall fix such compensation, at a reasonable amount consistent with the character and extent of the work to be performed by each, and shall at all times have in view, in fixing said compensation, the economical and efficient administration of any such office and shall fix such compensation at such an amount as shall be consistent therewith; but said board shall not fix the compensation of any such deputy, assistant, clerk or employe temporarily employed, at a less sum than $1.50 nor more than $2.50 per day for each day of actual service, nor the compensation of any such person permanently employed at less than $200 per year; but the total compensation of all persons permanently employed shall not be more than an amount equal to fifty per cent. of the regular salary fixed in this act for the officer under which said persons shall serve.

SECTION 4. Each officer mentioned in section one hereof, allowed any deputy, assistant, clerk or employe under this act, shall on the first business day of each month, submit to the county commissioners a pay-roll for the preceding month, which shall show the name and official title of such officer, the name of each person employed in his office for the month covered by the pay-roll and the capacity in which he was employed, and also the salaries of the officers and compensation of the

employes respectively, the allowance per day for temporary clerks or assistants, if any such have been employed, and the amount due each. There shall be attached to such pay-roll a statement by such officer in person, under oath, that the pay-roll is correct in every particular, and that he is not to receive directly or indirectly, any portion of the compensation shown thereby to be due to any deputy, assistant, clerk or employe whose name is entered thereon. If the commissioners find upon examination that such pay-roll is correct they shall endorse thereon their approval of the same after it has been approved by the prosecuting attorney, and file the same with the county auditor who shall draw his warrant on the county treasurer in favor of the respective persons whose names appear thereon, for the amount shown thereby to be due them, respectively, giving to each officer, deputy, assistant, clerk or employe a warrant for his salary or compensation, and take their receipts therefor, on the pay-roll, on the right hand margin opposite their respective names, in a space headed "Received from the county auditor a warrant for the amount shown thereon to be due me."

SECTION 5. All fees, costs, percentages, penalties, allowances, perquisites and other official incomes which are now, or may hereafter be allowed by law to the county treasurer, county auditor, probate judge, clerk of the court of common pleas, sheriff, prosecuting attorney, and county recorder for the performance of any official duties, or by the sheriff as master commissioner, or receiver, in any case, shall, when collected, be for the sole use and benefit of the county treasury of said county, as public moneys belonging to it, and shall be accounted for and paid over as such in the manner herein provided, and the total receipts thereof during each day, by each of said officers, unless otherwise specified herein, shall be paid to the county treasurer on Monday of each and every week the money received during the previous week and shall be accounted for by the treasurer; and such officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances, and other official incomes, that accrue to his office, and from whom the amounts paid to him each day, and said books of accounts shall be part of the records of their respective offices and shall belong to the county and shall be transmitted to their respective successors in office. Provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court shall not be deemed to be earned or to have accrued within the meaning of this act until final judgment.

SECTION 6. Each officer mentioned in this act, if any fees, costs, percentages, penalties, allowances and other perquisites of office shall come into his possession, shall on the first day of each month file with the county auditor a statement verified by his affidavit, showing the full receipts daily by him for the preceding month, and the total for the month, from each of the sources specified in this act, and also an annual statement, verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances, perquisites, and other official incomes accrued to his office and not paid to him during the preceding year, and the name of each party liable, and the amount due from each, with a reference to the docket, page and number, where the same can be found. And on the day his term of office expires, he shall file with the auditor a like statement showing such daily receipts, since his last statement, and the total amount due and unpaid during his term of office; but such officer shall not be required to itemize his annual statement,

further than specified in this act, but shall give a summary statement, of the said amounts due and unpaid. Such county treasurer, auditor, probate judge, clerk of the court of common pleas, sheriff and recorder, shall, on the first business day of each month, take from the county treasurer a receipt for the sum total paid over to the county treasurer, during the preceding month, and shown by said report, which receipt shall be filed in the county auditor's office, and the auditor shall give to the officer an acknowledgment for the amount paid by such officer, and which sums so paid in by separate and distinct funds, to be known respectively as "treasurer's fund," "auditor's fund," "probate judge's fund," "sheriff's fund," "clerk's fund," and "recorder's fund."

SECTION 7. The county treasurer shall on the first business day of each month of each year, make out, under oath, and file in the auditor's office, a report showing the total amout of money in his hands on the last day of the preceding month belonging to each of said funds named in section number six.

SECTION 8. All statements, reports and books required by this act shall be carefully preserved, shall be subject to public inspection during all business hours, shall remain in the respective offices wherein required to be filed, and at the expiration of the term of any such officer, shall be turned over to his successor in office.

SECTION 9. Each of the said officers, deputies, assistants, clerks and employes mentioned in this act, shall draw their salaries monthly in the manner herein provided. All salaries and compensation herein contemplated shall be paid out of any money in the county treasury, belonging to the county and not otherwise appropriated, upon orders to that effect made by the board of county commissioners, but in no case shall such salary or compensation be ordered paid until the services for which payment is sought shall have been rendered. Provided, such county probate judge, clerk of the court of common pleas, sheriff and county recorder had not permitted to remain in the county treasury, if due from the county, or has not turned into the county treasury, fees, costs, percentages, penalties, allowances, perquisites and other official incomes, to which he may be entitled from the county, or which he may have collected, in a sufficient amount to equal the total amount of his respective monthly allowance of salary. and compensation to his deputies, assistants, clerks and employes, if any, then such a sum only shall be allowed as shall equal the sum turned into such treasury by each respective officer, actually earned during his term of office, which sum shall be distributed between said officer and his deputies, assistants, clerks or employes, if any, in proportion to the salary or compensation regularly allowed to each.

SECTION 10. If there shall be any balance of salary due and unpaid to any such officer, and his deputies, assistants, clerks or employes, if any, at the time of making any monthly report or at the last return at the close of his term of office, and there be not a sufficient amount of fees, costs, percentages, penalties, allowances, perquisites or other official incomes collected by such officer remaining in the county treasury, at such time to pay, such balance, it shall be paid to him, and his deputies, assistants, clerks and employes, if any, out of the fees, costs, percentages, penalties, allowances, perquisites or other official incomes earned by him during his term of office and afterwards collected by said officer or his successor.

SECTION 11. The sheriff, county commissioners and infirmary direct-

ors shall be reimbursed, out of the county treasury, for actual expenses incurred while out of the county on official business, and the sheriff shall also be reimbursed, out of the county treasury, for the actual cost of keeping, caring for and feeding prisoners confined in the county jail, and the county auditor shall receive three percentum of all omitted taxes entered and collected in addition to his salary. The county commissioners shall specify the manner in which such prisoners shall be kept and shall see that such regulations as they shall prescribe as to the feed, care and keeping of said prisoners, are fully complied with by the sheriff.

SECTION 12. Each officer mentioned in section one, to whom there may accrue any fees, costs, percentages, penalties, perquisites or official incomes, shall exercise due diligence in the collection of such fees, costs, percentages, penalties, allowances and other perquisites, accruing to his office, but the county commissioners, may, by an order entered on the journal, and certified to the county treasurer, authorize such treasurer to omit for thirty days to enforce payment of penalties for the non-payment of taxes within the time limited by law, and the treasurer shall not be required to report to the commissioners in his statements by this act, the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlement with the auditor.

SECTION 13. It shall be the duty of the county commissioners and prosecuting attorney to see that the provisions of this act are faithfully complied with, and the county commissioners may employ an expert accountant whenever and for such time as they deem necessary, and pay such compensation as they may deem judicious, not to exceed five dollars per day, to ascertain, by examination, whether the books and accounts of the officers mentioned in section one, are legally and correctly kept, and whether the statements they are required by this act to make to the commissioners are correct; and such accountant shall report to the commissioners the result of such examination, which report they shall preserve in their office. If it appear by any such report, or by an inspection of such statements or books, by said county commissioners, or prosecuting attorney, that any such books or account of any such statement is false and fraudulent in any respect, the county commissioners shall make a thorough examination of the matter and may, if they deem it necessary or expedient, subpœna witnesses and examine them under oath, and they shall have the same power as justices of the peace to compel the attendance of witnesses. If the said statements, books and accounts are found to be correct and legal, the cost of any such investigation shall be paid from the general fund of the county, upon a warrant drawn by the county auditor when duly certified to him by the county commissioners, but if such statements, books or accounts are found to be false and fraudulent, then the cost of such investigation shall be taxed against said officer so making such false and fraudulent statement, book or account, and retained out of such officer's salary.

SECTION 14. Nothing in this act shall be construed to vest in any officer mentioned in section one, any such fees, costs, percentages, penalties, allowances or other perquisites as are earned and unpaid at the end of their respective official terms, except as provided in sections 11 and 15 hereof, but the same shall be the property of the county, to be collected by their successors in office, and applied as provided in this act; and such fees, costs, percentages, penalties, allowances and other perquisites may be collected by an action at law, brought in the name of the county.

SECTION 15. All accounts of fees, costs, percentages, penalties, allowances and other perquisites due to any officer named in section one of this act, and all fines and forfeitures in criminal cases which remain unpaid for a period of one year after they are due, shall, by said officer, be turned over to the prosecuting attorney for collection, who shall on the first Monday in each month pay over to the officer for whom the collection is made, all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount so paid over, and enter a statement of such payment on the books of his office; an execution shall issue upon the precipe of such officer or prosecuting attorney to enforce the payment of such accounts. For such services said prosecuting attorney shall receive ten per cent. on all amounts so by him collected, in addition to the salary fixed by this act; but he shall not be called upon to make such collection until such officer has made diligent effort to collect such fees and costs, and failed.

SECTION 16. If any officer mentioned in section one, wilfully fail or refuse to faithfully and promptly perform any duties required of him by this act, and knowingly violates any provision thereof, or wilfully make any fraudulent showing in any statement or report thereby rendered by him, or in any account or book provided for herein, or knowingly collects illegal fees or costs, or knowingly directs or permits any deputy, assistant, clerk or employe to collect any illegal fees or costs, he shall, upon conviction, be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one year, nor more than five years, or both; and such officer shall thereby also be removed from office; and if any deputy, assistant, clerk or employe knowingly and wilfully violate any provision of this act, he shall be fined not more than five hundred dollars, or be imprisoned in the county jail not less than three months, nor more than one year, or both. The aforesaid penalties against said officers, deputies, assistants, clerks or employes, shall be in addition to the penalties provided by existing statutes, and the fines imposed by this section shall be paid into the county treasury to the credit of the general fund of the county.

SECTION 17. The official bond required by law to be taken from any of said officers shall be deemed to make the parties to the same liable for any violation of the provisions of this act, and for the faithful performance of all duties required thereby.

SECTION 18. Any provision of statute in force when this act takes effect which conflicts with any provision of this act, shall, to the extent that it is inconsistent and conflicts with this act, and not otherwise, be held to be superseded by this act, as to the said county of Highland; but other provisions of statute so in force relating to county officers, their duties and to county affairs, shall not be affected by this act.

SECTION 19. This act shall take effect and be in force from and after its passage, but it shall not affect the fees, compensation or salary of any officer mentioned in section one hereof, elected prior to the passage of this act.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed January 31, 1900. 6L

[House Bill No. 72.]

AN ACT

To authorize the council of the incorporated village of Haviland, in Paulding county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the incorporated village of Haviland, in Paulding county, Ohio, be and is hereby authorized to transfer not to exceed three hundred dollars ($300) from the general expense fund of the said village of Haviland to the building fund of said village.

SECTION 2. That this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 13, 1900. 7L

[House Bill No. 101.]

AN ACT

To authorize the commissioners of Fairfield county to transfer certain funds and to purchase additional land for the children's home.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Fairfield county be, and they are hereby authorized and empowered to transfer the sum of eight thousand dollars ($8,000) from the infirmary fund to the children's home fund, and also to purchase additional land for said children's home not exceeding an expenditure of eight thousand dollars ($8,000).

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 13, 1900. 8L

[House Bill No. 108.]

AN ACT

To create a special school district to be known as Patriot special district, composed of parts of Perry and Walnut townships, Gallia county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory in Perry and Walnut townships, Gallia county, is hereby created and declared to constitute a special school district to be known as Patriot special school

district, to wit: Commencing at the southwest corner of section 27, township 5, range 16, in Perry township, running north 1-2 section; thence east to center of east boundary section 27; thence north to northwest corner of section 26; thence east to northeast corner section 26; thence south to southeast corner section 26; thence east 80 rods on north boundary section 36; thence south to south boundary section 36; thence west on southern boundary of section 36 to the center of the southern boundary of section 35; thence south 16.06 chains; thence west 13.94 chains; thence north 25 degrees, west 23 links; thence west 26.38 chains to the southwest corner of the northwest 1-4 of the northwest 1-4 section No. 2, Walnut township; thence south on section line to the southeast corner of northeast 1-4 of section No. 3, Walnut township; thence 15 chains to the west bank of Sand Ford creek; thence along said creek northwest to county pike; thence south along said pike on the line between the lands of H. J. Price and D. B. Davis, to where these lands join the land of John H. Carter; thence north 44 1-2 degrees, west 18.90 chains; thence north 13.20 chains; thence north 10 degrees, west 31 chains; thence along the line separating the lands of John H. Carter, D. B. Davis and Daniel D. Evans to the place of beginning.

SECTION 2. All the school property situated within said territory shall be the property of said special school district.

SECTION 3. Said special school district shall be entitled to receive its pro rata share of all the school funds, state and local, including contingent funds, that are or may be placed to the credit of said township for the current school year, together with the other funds that may be applicable thereto and duly created according to law, and shall in all respects be governed by such laws as are or may be enforced relating to special school districts; provided, that the levy for school purposes shall not in any year exceed seven mills on the dollar of the taxable property of said district.

SECTION 4. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 13, 1900. 9L

[House Bill No. 23.]

AN ACT

To authorize the council of the city of Lorain, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the city of Lorain, Lorain county, Ohio, be and the same is hereby authorized to transfer four thousand dollars ($4,000) from the police fund to the building fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 13, 1900. 10L

[House Bill No. 62.]

AN ACT

To authorize county commissioners to carry out contracts in certain cases, and issue, sell and apply the proceeds of county bonds.

[MONTGOMERY COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of any county through which flows a stream, which, in times of freshet, overruns its banks or levees, inundating the surrounding country, in which county a proceeding has been or shall be begun in the probate court, under chapter 4, title 6, part 2, of the Revised Statutes of Ohio, to locate, establish and construct levees along such stream, in which proceeding such levees have been ordered located, established and constructed, and in which it has also, or shall be, attempted to straighten such stream, and make a new channel, and to appropriate land therefor, and for such levees, and to construct the necessary storm water sewers, and to make a contract for all of same, under which the contractor or contractors have begun or shall begin work, and in which proceeding it has been or shall be attempted to assess the cost of all of such improvements and of the appropriation of such land, against benefitted lots and lands, any railroad company whose road-bed or tracks will be made better and safer by the construction of such levees, against such county, and any municipal corporation in such county, having within its corporate limits territory benefitted by such improvements, and to render judgments therefor, which judgments and assessments have been or shall be resisted by all or part of the persons and corporations against whom made by reason whereof such contractor or contractors shall cease work, leaving such improvements in an unfinished and dangerous condition, are authorized and empowered to complete such improvements in accordance with the plans and specifications therefor, made in such proceeding in the probate court, and to that end to assume and carry out such contract in accordance with the terms thereof, or if such contractor or contractors shall refuse to carry out the contract made with the probate judge, then and then only to make a new contract for the uncompleted work, the cost thereof, not to exceed the price per cubic yard fixed in the contract with the probate judge, in the manner provided by law for making other county contracts; and if such commissioners determine to complete such improvements, they shall adopt a resolution declaring such intention.

SECTION 2. In the event such commissioners determine to complete such improvements, and to carry out and assume such contract, they are authorized and empowered to pay to such contractor or contractors the contract price, in the manner provided in such contract, taking into consideration, and charging such contractor or contractors with all money paid him or them by any person whomsoever, or any corporation, on account of such improvements, whether the same was paid under such contract, or under any independent contract or arrangement, and if any such independent contract or arrangement has been made, the same and all rights thereunder shall be surrendered and cancelled, when such commissioners shall proceed under this act to assume and carry out such contracts made in such proceeding in the probate court. And if such independent contract or arrangement and the rights thereunder shall

not be surrendered, said commissioners may make contracts with other persons for the carrying out and completion of such improvement, and proceed as authorized by this act, to complete said improvements.

SECTION 3. In the event that the commissioners of any such county shall determine to complete such improvements, they are further authorized and empowered to repay to any and all persons and corporations any and all sums of money which they may have paid, or shall pay, on account of any such assessments or judgments, and to pay to such municipal corporation any money which it has paid or shall pay for work on such improvements outside of its corporate limits, and such commissioners are authorized and empowered to pay into the county bridge and special pike funds of such county, all money expended, or that may be expended by them, before proceeding under this act for any bridge across such new channel, and the approaches thereto; and such commissioners are further authorized and empowered to pay to the owners of the land that has been or shall be appropriated, or attempted to be appropriated as aforesaid, the amount of money fixed, or that shall be fixed by the probate court, as compensation therefor, in any such proceeding, less such amounts as may have been paid them before such commissioners determine to proceed under this act, and thereupon the title to such land shall become vested in fee simple in such county, and all rights therein, except such as are common to all the people, of the former owners of such land, shall be extinguished, and no title by prescription, or by reason of occupation or encroachment thereon, shall ever be acquired in or to said land, or any part thereof, by any person or corporation. Such land shall be forever held by such county for levee and watercourse purposes. And such commissioners are further authorized and empowered to pay the costs which may have been or shall be incurred in such proceeding in the probate court and in any higher court or courts to which it has been or may be taken.

SECTION 4. That if the commissioners of any such county determine to complete such improvement, and to proceed under this act, they are empowered and authorized to issue and sell the bonds of such county in any sum not exceeding one hundred and thirty-five thousand ($135,000) dollars, the proceeds of which shall be applied to the purposes aforesaid, and to no other purpose, and no more bonds shall be issued and sold than are necessary to procure the money needed for such purposes. Such bonds shall contain a reference to this act, and shall be entitled "levee bonds." They shall run for such length of time, not exceeding ten years, shall bear such rate of interest not exceeding four (4) per cent. per annum, payable semi-annually, as such commissioners shall determine, and interest coupons may be attached. They shall be signed by such commissioners, or any two of them, and countersigned by the auditor of such county, and shall be in denominations of one thousand ($1,000) dollars each, and shall be sold in the manner provided by law for the sale of county bonds. For the purpose of paying the principal and interest of any such bonds as may be issued under this act, the commissioners of such county are authorized and empowered to levy and collect each year, upon the grand tax duplicate of such county, until all such bonds as may be issued hereunder are paid, a sufficient tax on each dollar of valuation of taxable property in such county, in addition to all other taxes that now are or which may hereafter be authorized by law.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 13, 1900. 11L.

[House Bill No. 162.]

AN ACT

To legalize certain contracts made by the county commissioners of Highland county under section 2834*b* of the Revised Statutes without auditor's certificate required in said section.

WHEREAS, Certain contracts aggregating in amount not to exceed twenty-five hundred dollars have been entered into by the county commissioners of Highland county, Ohio, without the certificate of the auditor that the money required for the payment of such contracts is in the treasury of said county to the credit of the fund from which the money is to be drawn, as provided by section 2834*b* of the Revised Statutes of Ohio; and

WHEREAS, Almost all of said contracts so entered into related to the bridge fund in which there was at the time more than eight thousand dollars, and in which there is at this time more than enough money to the credit of said fund unappropriated to meet all of said obligations; and

WHEREAS, Certain parties with whom said contracts were entered into as aforesaid, have in good faith furnished material, rendered service and otherwise fully completed the contracts on their part to be performed; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That all such contracts entered into as aforesaid on the part of said commissioners be and the same hereby are declared to be valid contracts and subsisting obligations against said county of Highland the same as if said certificate had been made by the auditor as provided by said section 2834*b* and the provisions of said section otherwise strictly complied with, and said county commissioners are hereby authorized and empowered to complete all such contracts by them so entered into and to order paid to the persons entitled thereto such sums as are due or may become due under said contracts not in excess of the amount in the treasury to the credit of the funds out of which they are payable.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 12L

[House Bill No. 196.]

AN ACT

To divide Fairfield township, Tuscarawas county, into two election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Fairfield township, Tuscarawas county, Ohio, be divided into two election precincts as follows: That sections 1, 2, 3, 4 and 5, and the north half of sections 6, 7, 8, 9 and 10, shall form the north precinct with voting place at Somerdale; that the south half of sections 6, 7, 8, 9 and 10, and sections 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 shall form the south precinct with voting place at township house.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 13L

[House Bill No. 49.]

AN ACT

To enable the board of education of Green township, Ashland county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Green township, Ashland county, Ohio, is hereby authorized to transfer the sum of eight hundred dollars ($800) from the building fund to the contingent fund, of the board of education of the Perrysville special school district.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 14L

[House Bill No. 233.]

AN ACT

To authorize the city council of Delaware, Ohio, to borrow money for bridge purposes and issue bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the city council of the city of Delaware, Ohio, be and the said council is hereby authorized and empowered, for the purpose of building a bridge over the Olentangy river on William street, in said city, to borrow a sum of money not exceeding thirty-one thousand

dollars ($31,000) and to issue the bonds of said city therefor, in denominations not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) each, and bearing interest not to exceed six per cent. payable semi-annually.

SECTION 2. The city council of said city shall levy a tax annually, in addition to the levies now authorized by law, to pay the interest on said bonds as it shall accrue and to provide for the payment of said bonds at maturity, and said tax shall be levied and collected as other taxes.

SECTION 3. The bonds herein authorized shall be issued in pursuance of this act, and of an ordinance of said city council; they shall be signed by the mayor and attested by the clerk, and shall express on their face the purpose for which and the ordinance under which they are issued. Said bonds shall not be sold for less than par value and accrued interest, and shall be payable in not less than three nor more than fifteen years from date of issue.

SECTION 4. This act shall take effect and be in force from date of passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 15L

[House Bill No. 94.]

AN ACT

To authorize the transfer of funds from the general fund of the city of Ashtabula, to the public building fund and to the fire and water fund.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the city of Ashtabula be, and are hereby authorized to transfer four thousand ($4,000) dollars from the general fund of said city to the public building fund; five hundred ($500) dollars from the general fund to the fire and water fund, for the purchase of fire hose.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 16L

[House Bill No. 186.]

AN ACT

To authorize the council of the city of Elyria to transfer funds therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the city of Elyria, Lorain county, Ohio, be and the same is hereby authorized and empowered to transfer

eight thousand and sixteen dollars ($8,016) from the water-works interest fund to the street fund, interest and sinking fund, and bridge fund; said transfer to be apportioned as follows between said funds: Thirty-five hundred dollars ($3,500) to the street fund; two thousand and sixteen dollars ($2,016) to the interest and sinking fund; twenty-five hundred dollars ($2,500) to the bridge fund. Said council is further authorized and empowered to transfer six hundred and fifty-one dollars and forty cents ($651.40) from the grace court and second street fund, and fourteen hundred dollars ($1,400) from the pension fund to the general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 17L

[Senate Bill No. 4.]

AN ACT

To amend sections 4, 6 and 13 of an act entitled "An act fixing the compensation of county officers in counties containing a city of the second grade of the first class," passed April 23, 1896 (92 O. L., 602).

[CUYAHOGA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4, 6 and 13 of an act entitled "An act fixing the compensation of county officers in counties containing a city of the second grade of the first class," passed April 23, 1896 (92 O. L., 602), be amended so as to read as follows:

Sec. 4. The judges of the court of common pleas, in joint session, shall, from time to time, upon request of either the clerk of the court of common pleas, sheriff, treasurer, auditor, recorder, probate judge, judge of the court of insolvency or coroner, fix an aggregate sum to be expended yearly for the compensation of all deputies, bookkeepers, clerks and other assistants of the county officer making such request. The officers herein named shall appoint their deputies, clerks, bookkeepers, and all other assistants necessary, and no more, and fix their compensation, but such compensation shall not exceed in the aggregate the amount fixed by the judges in joint session, as herein provided, but no clerk or deputy of any of the above named officers shall receive a salary to exceed two thousand five hundred dollars ($2,500) per annum. The compensation of such officers, deputies, clerks, bookkeepers and other assistants, after being fixed as herein provided, shall be paid to them monthly out of the county treasury, upon a warrant of the county auditor. No officer shall receive or be paid directly or indirectly, any part of the salary or compensation of such deputy, clerk, bookkeeper or other assistant, or any fee or reward for appointing him to such position; nor shall any such deputy, clerk, bookkeeper or other assistant receive, for any official act or duty, any additional fee, salary or compensation other than the compensation fixed as herein provided; the

county commissioners shall allow, and order to be paid as other claims against the county, all other reasonable expenses necessary to the proper discharge of the duties of any of the above named officers; but the compensation of all deputies, bookkeepers, clerks and assistants hereby authorized to be paid, except the compensation of all deputies, clerks, bookkeepers and assistants of the court of insolvency, shall be paid out of the fees, costs, percentages, penalties or allowances collected by said officer and accounted for and paid into the county treasury.

Sec. 6. Each of said officers shall, at the end of each month pay into the county treasury, on the warrant of the county auditor to the credit of the fee fund, and account to the county commissioners, for the use of the county, all fees, costs, penalties, percentages, allowances and perquisites of every sort collected by him during said month; said county commissioners shall keep a separate account with each officer, but if, at the close of any month the amount of fees, costs, percentages, allowances or penalties, in the fee fund be not sufficient to pay to them the proportion due them for their own use as herein limited, they shall be entitled to receive the amount of any such deficiency out of the fee fund as created by collections subsequently made in any succeeding month or months, from the official costs, fees, percentages, allowances and penalties earned and charged by them, after deducting therefrom the amounts allowed for the compensation of the deputies, clerks, bookkeepers and assistants, as hereinbefore provided. In case the fees, costs, percentages, allowances or penalties in the fee fund be not sufficient to meet the salary of officers and clerks from the fee fund the balance necessary to meet such deficiencies, may be taken from the general county fund for the first three years after the passage of the original act; but the salaries of the officers and clerks of said court of insolvency shall, at all times, and so far as may be necessary to meet any deficiency in the fee fund to the credit of said court of insolvency, be paid from the general county fund. The sheriff at the expiration of his term of office, or within ten days thereafter, shall pay over to his successor in office, all moneys that may be in his hands, under any execution, order of sale, or other legal process, of whatever kind, and the proceeds arising from any sale of real or personal property by him previously made, and which he hold awaiting an order of court for confirmation of sale or distribution of proceeds.

Sec. 13. The provisions of this act shall in no wise apply to, or affect any officer elected or qualified prior to the passage of the original act. Nothing in this act shall be so construed as to increase the amount of money paid to any one office over and above the amount paid into the general fund by the chief officer of said office after three years from and after April 26, 1896; provided, however, that this restriction of three years shall not apply to the court of insolvency.

SECTION 2. Said original sections 4, 6 and 13 are hereby repealed, and this act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. **18L**

[House Bill No. 50.]

AN ACT

To provide for an official stenographer for the county of Ashland.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the judges of the court of common pleas of the second subdivision of the sixth judicial district of Ohio, shall within thirty days from the passage of this act, and every third year thereafter, appoint for the county of Ashland, an official stenographer. The county commissioners shall provide said stenographer with an office in the courthouse of the county, and shall also provide the necessary stationery for the performance of his, or her, official duties. Said stenographer shall not during the term of his, or her, said office, be a relative, partner, clerk, student or regular employe of any attorney residing or practicing in said county.

SECTION 2. Said stenographer shall hold his, or her, office for the term of three years from and after the date of his, or her, appointment, and until his, or her, successor shall be appointed and qualified, unless sooner removed by the court for the neglect of duty, misconduct or incompetency. Such official stenographer shall, before entering upon the duties of said office, take an oath for the faithful performance of the duties thereof. Such stenographer shall receive a salary of four hundred dollars ($400) per annum, payable quarterly, out of the county treasury of said county, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts of said county; and it shall be the duty of the auditor of said county to issue warrants on the treasurer for the payment of said salary, as herein provided, out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

SECTION 3. It shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct in all cases actually tried or heard in the circuit, common pleas and probate courts; and the shorthand notes so taken shall be the property of the county, and shall be preserved in the office of the stenographer thereof; provided, that if sessions of the common pleas and circuit courts in said district are holden on the same days, said stenographer shall give preference to the common pleas court, unless excused by the judge thereof. It shall also be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorney or the court, an accurate transcript into longhand of the note so taken in any case or proceeding, or such portion thereof as may be requested, to be paid for forthwith by the party ordering the same, but no such transcript of the notes in longhand shall be paid for out of the treasury in any case, unless such transcript shall be ordered by the judge, or judges, trying the case, for his or their own use, and except in criminal cases when requested by the prosecuting attorney, in which latter case before said transcript shall be paid for out of the county treasury; the bill therefor shall be approved by the court before whom said case was heard or tried. All such transcripts ordered by the judge, or judges, trying the case, and by the prosecuting attorney in criminal cases, shall be paid for out of the county treasury, and the clerk of the court shall certify the

amount of such transcript, which certificate shall be a sufficient voucher to the auditor of the county, upon which he shall draw his warrant upon the county treasurer, and when so paid, such fees shall be taxed and collected as other costs in the case. Such stenographer shall also, without extra compensation, take down from the dictation of the judge, such shorthand notes as may be required by the judge in preparing opinions and charges to juries and transcribe the same into longhand.

SECTION 4. Said stenographer shall receive, for making such transcripts of said notes, into longhand, in addition to said salary, six cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript shall be one-third the fee allowed for the first copy, and when two or more transcripts are so ordered by the parties, the total cost thereof shall be equally divided between the parties so ordering them. And in every case where such stenographic notes are taken, there shall be taxed for each day's services of such stenographer a fee of four dollars, to be collected as other costs in the case, and when so collected, to be paid quarterly into the treasury of the county by the clerk of the court.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representaties.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 19L

[House Bill No. 197.]

AN ACT

To authorize the trustees of Salem township, Warren county, to make additional levy for the support of public library.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Salem township, Warren county, Ohio, be and they are hereby authorized to levy, in addition to that already authorized by law, one-tenth of one mill on the taxable property of said township, for the support and maintenance of a public library.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representaties.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 20L

[House Bill No. 27.]

AN ACT

To authorize the board of township trustees of Pleasant township, Seneca county, Ohio, to build a soldiers' monument in Pleasant Union cemetery in said township.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township trustees of Pleasant township, Seneca county, Ohio, are hereby authorized and required to issue the bonds of said township in the sum of twenty-five hundred dollars ($2,500) for the purpose of building a soldiers' monument in Pleasant Union cemetery in said township; said bonds shall be in denominations of one hundred dollars each, payable, five hundred dollars ($500) August 1, 1901; five hundred dollars ($500) August 1, 1902; five hundred dollars ($500) August 1, 1903; five hundred dollars ($500) August 1, 1904, and five hundred dollars ($500) August 1, 1905. Said bonds to bear interest at the rate of six per cent per annum.

SECTION 2. Said bonds shall be signed by the trustees of said township or any two of them, and countersigned by the clerk of said township, and shall be sold according to law.

SECTION 3. For the purpose of paying the principal and interest of said bonds each year, the trustees of said township shall annually levy a tax upon all the taxable property of said township.

SECTION 4. The building of said monument and the control thereof shall be under the management of the soldiers' relief committee of said township.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 21L

[House Bill No. 6.]

AN ACT

To authorize the township trustees of Wayne township, Fayette county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township trustees of Wayne township, Fayette county, Ohio, be and they are hereby authorized to transfer the sum of two thousand two hundred dollars ($2,200) from the poor fund of said township to the general fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 22L

[House Bill No. 36.]

AN ACT

To create a judicial court fund in Fayette county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Fayette county are hereby authorized to levy not to exceed one mill on the dollar on the taxable property of said county for the purpose of creating a judicial and court fund.

SECTION 2. Said fund shall be expended as follows: The judicial or court fund shall be expended for the payment of all court expenses and all the expenses of the various courts of the county that are now paid out of the general fund of the county, and in case at any time said fund should become inadequate by reason of some extraordinary expense, then the general fund of the county shall be drawn upon for payment of such expenses.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 23L

[House Bill No. 81.]

AN ACT

To authorize the township trustees of Auglaize township, Paulding county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township trustees of Auglaize township, Paulding county, Ohio, be, and are hereby authorized and empowered to make the following transfer of the funds of said township: From the road improvement fund to the road fund, not to exceed five hundred dollars ($500); from the road improvement fund to the bridge fund, not to exceed five hundred dollars ($500); and from the road improvement fund to the general township fund, not to exceed five hundred dollars ($500).

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 20, 1900. 24L

[House Bill No. 241.]

AN ACT

To authorize the trustees of Spencer township, Hamilton county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Spencer township, Hamilton county, be and they are hereby authorized to transfer one thousand ($1,000) dollars from the poor fund to the general fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 27, 1900. 25L

[House Bill No. 214.]

AN ACT

To authorize the trustees of Warren township, Belmont county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Warren township in the county of Belmont and state of Ohio, be and are hereby authorized to transfer the sum of twenty-eight hundred and sixty-one dollars, the proceeds of the sale of Central Ohio railroad stock formerly belonging to said township, as follows: Eight hundred and sixty-one dollars to the township fund of said township, and two thousand dollars to a fund to pay for free turnpikes constructed by said township by authority of an act passed March 13, 1896, entitled, "An act to authorize the improvement of public roads of townships and streets of villages therein," (92 O. L., 63,) and amended April 5, 1898 (93 O. L., 82).

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 27, 1900. 26L

[House Bill No. 21.]

AN ACT

To authorize the county commissioners of Highland county to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Highland county, for the purpose of paying such claims against said county as are required to be

allowed by and paid upon the order of the county commissioners, and auditor's warrants now outstanding and unpaid, be and they are hereby authorized and empowered, from time to time as they shall deem necessary or proper, for a period not exceeding two years, to transfer to the county fund of said county from the infirmary, bridge and repair funds of said county sums not exceeding the sum of five thousand ($5,000) dollars in amount from any one of said funds in any one year.

SECTION 2. This act shall be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 27, 1900. 27L

[House Bill No. 16.]

AN ACT

To repeal an act of the general assembly of the state of Ohio, entitled "An act to provide a license on trades, business and professions carried on in cities of the second grade of the first class, and providing for the enforcement and collection of fines and penalties for carrying on business without license, and for other purposes," passed April 27, 1896.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to provide a license on trades, business and professions carried on in cities of the second grade of the first class, and providing for the enforcement and collection of fines and penalties for carrying on business without license, and for other purposes," passed April 27, 1896, be, and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed February 27, 1900. 28L

[House Bill No. 189.]

AN ACT

Relating to the duties and compensation of certain county officers and their assistants in Meigs county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Meigs county the compensation of the officers thereof specified in this section shall be by annual salary exclusively, except as otherwise provided in section 12, of this act, to be paid in

monthly installments as follows: The auditor, probate judge, clerk of courts and sheriffs, one thousand dollars; the treasurer, twelve hundred and fifty dollars; the commissioners, six hundred dollars each, and the prosecuting attorney, seven hundred and fifty dollars per year; and neither of them shall receive or agree to receive directly or indirectly, any additional compensation from any source whatever for the performance or omission of any official duty, except as hereinafter provided, nor a reward of any kind from any employes of his office or other person, in consideration of the appointment of any such employe, or any portion of the compensation of any employe, nor any money or other thing of value by way of gift or otherwise from any officer, agent or employe of the county or its commissioners, or from any other person, and no such employe shall pay or agree to pay directly or indirectly to the officer by whom he is employed, any reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer for the performance or omission of any official duty. The compensation of the deputies of such officials shall also be by annual salary exclusively, to be paid in monthly installments, and all such salaries shall be paid by the county in the manner hereinafter provided, but if any such officer be removed from office, or any such deputy be dismissed from his position, his compensation shall cease at the time of such removal.

SECTION 2. That the treasurer, probate judge, clerk of courts, auditor and sheriff shall each select a person to be employed as deputy in his office and said deputies shall respectively receive salaries as follows: Probate judge and clerk of courts, three hundred and fifty dollars per year; the deputy auditor and treasurer shall each receive a salary of five hundred dollars per year, and the deputy sheriff four hundred and fifty dollars per year and no more.

SECTION 3. On the first business day of each month each of said officers shall submit to the commissioners of the county a pay-roll for the preceding month which shall show the name and official title of such officer, the name of the person employed by him as deputy in his office for the month covered by the pay-roll, also the salaries of the officer and deputy respectively, and the amount due each; there shall be attached to such pay-roll a statement sworn to by the officer that the pay-roll is correct in every particular and that he is not to receive directly or indirectly any portion of the compensation shown thereby to be due any deputy whose name is entered thereon. If the commissioners find, upon examination, that the pay-roll is correct, they shall endorse thereon their approval thereof and file the same with the county auditor, who shall draw his warrant on the county treasurer in favor of the respective persons whose names appear thereon, for the amount shown thereby to be due them respectively, and take their receipts therefor on the pay-roll on the right hand margin opposite their respective names in a space headed, "Received from the county auditor a warrant for the amount shown to be due me."

SECTION 4. All fees, costs, percentages, penalties, all allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by any officer mentioned in section 1 or by the sheriff as special master commissioner, or as receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in section 9, and the total receipts thereof each day by each of said officers shall be paid by him to the county treasurer

at the close of the business of the day and be duly accounted for by the treasurer; and said officers shall keep full and accurate accounts on books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, and from whom the amounts paid to him each day, and by whom the amounts paid to the county treasurer each day, and the amount due and unpaid, and also the name of each person or party liable for any part of such as are due from each; provided, that such fees, costs, penalties, percentages, allowances and other perquisites in cases pending in court shall not be deemed to be earned or to have accrued within the meaning of this act, until final judgment.

SECTION 5. Each officer mentioned in section 1, shall, on the first business day of each month file with the county commissioners a statement verified by his affidavit, showing his full receipts daily by him for the preceding month and the total for the month from each of the sources specified in the preceding section and also a statement verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each; and each statement after the first of the amounts due and unpaid, shall begin with a showing of the amount theretofore reported due and unpaid, and what part has been paid during the month covered by the report. And on the day his term of office expires, he shall file with the county commissioners like statements showing such receipts daily since his last statement and such amounts due and unpaid up to that time.

SECTION 6. All statements required by the preceding sections to be filed with the commissioners shall be carefully preserved by them and shall be subject to public inspection during all official business hours, and the account books provided for by section 4 shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer mentioned in section one, shall be turned over to his successor in office.

SECTION 7. Each officer mentioned in section one shall exercise due diligence in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall where authorized by law collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal and certified to the treasurer, authorize the treasurer to remit for thirty days, to enforce payment of penalties for the non-payment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section 5, the percentages allowed him by law on taxes collected, except in such statement next following his semi-annual settlement with the auditor.

SECTION 8. It shall be the duties of the county commissioners to see that the provisions of this act are faithfully complied with and they may employ an expert accountant whenever and for such time as they may deem necessary and at such compensation as they deem judicious, to ascertain by examination whether the books and accounts of the officers mentioned in section 1 are legally and correctly kept, and whether the statements they are required by this act to make to the commissioners are correct, and such accountant shall report to the commissioners the result of such examination, which report they shall preserve

in their office. If it appear by any such report that any such book or account, or any such statement, is false or fraudulent in any respect, they shall make a thorough investigation of the matter and may, if they deem it necessary or expedient, subpoena witnesses and examine them under oath, and they shall have the same power as justices of the peace to compel the examination of witnesses. The costs of any such investigation shall be paid from the general fund of the county on the warrant of the county auditor when duly certified by him to the county commissioners.

SECTION 9. The sheriff shall be allowed, in addition to his salary, to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms the manner in which such prisoners shall be kept and provided for, and shall see that the terms of the contract are fully complied with.

SECTION 10. Nothing in this act shall be construed to vest in any officer mentioned in section 1, such fees, costs, percentages, penalties, allowances or other perquisites as are unpaid at the end of their respective official terms, but the same shall be the property of the county to be collected by their successors in office and applied as provided in this act; but fees, costs, percentages, penalties, allowances and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected thereby.

SECTION 11. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 12. All accounts of costs, and fees due to the officers named in section 1 of this act, which remain unpaid for the period of one year, shall, by such officer be transferred to the prosecuting attorney of such county for collection, who shall on the first Monday in each month pay over to the officer for whom the collection is made, all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount so paid over and enter a statement of such payment on the books of his office, and execution shall issue upon the precipe of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. For such services such prosecuting attorney shall receive ten percentum on all amounts so by him collected and no more, which shall be in addition to the salary fixed in section 1 herein, upon approval of the county commissioners.

SECTION 13. Any provision of statute in force when this act takes effect, which conflicts with any provision of this act, shall, to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to counties described herein; but other provisions of statute so in force relating to county officer and county officers and county affairs shall not be affected by this act.

SECTION 14. This act shall take effect May 1, 1900.

A. G. REYNOLDS,
Speaker of the House of Representaties.
JNO. A. CALDWELL,
President of the Senate.

Passed March 1, 1900.

29L

[House Bill No. 274.]

AN ACT

To authorize the council of the village of Harrison, Hamilton county, Ohio, to transfer certain funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the village of Harrison, Hamilton county, Ohio, be and it is authorized to transfer the sum of five hundred dollars ($500) from its general fund to its street lighting fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representaties.
JNO. A. CALDWELL,
President of the Senate.

Passed March 1, 1900. 30L

[House Bill No. 217.]

AN ACT

To increase the salary of township trustees in Springfield township, Clark county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township trustees of Springfield township, Clark county, Ohio, may receive as compensation, at one dollar and fifty cents for each day's service, a sum not to exceed three hundred dollars each, in any one year, to be paid out of the township treasury, including service in connection with the poor.

SECTION 2. That said township trustees may allow the township clerk for his services, a sum not to exceed three hnudred dollars per annum to be paid out of the township treasury.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representaties.
JNO. A. CALDWELL,
President of the Senate.

Passed March 6, 1900. 31L

[House Bill No. 51.]

AN ACT

Authorizing the trustees of Rush township, Champaign county, Ohio, to place the Woodstock cemetery, in said township, under the care and control of a board of trustees.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Rush township, Champaign county, Ohio, shall be and are hereby authorized to create and maintain a

board of managers, consisting of three (3) members, for the control and management of the cemetery known as the Woodstock cemetery, located near the village of Woodstock, in said township, county and state.

SECTION 2. That the said board of cemetery managers shall be composed of one of the township trustees, whose term shall expire within one year, and two (2) citizens of said precinct, who are not members of the board of township trustees, to be elected for the terms of one and two years respectively, at the next regular election and thereafter one shall be elected each year, for the term of two years.

SECTION 3. That it shall be the duty of said board of cemetery managers, to supervise to the best advantage all work and business pertaining to the proper preservation and maintenance of said grounds.

SECTION 4. That the Rush township trustees are hereby authorized to levy a tax, in accordance with the recommendation of the board of cemetery managers, upon the lands and chattels in said Woodstock precinct, in said township, county and state, not to exceed three hundred dollars per year, which shall be placed with the present Rush township cemetery funds to be applied to the improvements and maintenance of the aforesaid cemetery.

SECTION 5. In case of vacancies in the board of cemetery managers the board of township trustees shall fill the same to hold good until the next election.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 6, 1900. 32L

[House Bill No. 257.]

AN ACT

To provide for the construction of a channel in the bed of the Ottawa river in Allen county, Ohio, from the west corporation line of the city of Lima to a point five hundred feet below the confluence of said river with Little Hog creek.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Allen county, Ohio, be and they are hereby authorized and required to cause a channel to be constructed in the bed of the Ottawa river, in said county, from the west corporation line of the city of Lima, Ohio, to a point five hundred feet below the confluence of said river with Little Hog creek, such channel to be approximately six feet in width at the top and of sufficient depth to thoroughly drain said river bed.

SECTION 2. That said commissioners shall employ a competent civil engineer, or direct the county surveyor to make proper surveys, profiles and specifications for the construction of such channel, and an estimate of the approximate cost thereof, and thereafter a contract for

the making of such improvement shall be let in the manner provided by the laws of the state relating to the construction of county ditches, in so far as such laws may be applicable, except that the work shall not be divided and sold in sections, but shall be let as a whole to the lowest responsible bidder.

SECTION 3. That the cost and expenses of such improvement shall be paid out of any fund or funds of said county not appropriated for other purposes, and said commissioners, upon the completion of such improvement, shall have authority, in case they may deem it necessary or advisable to make a levy, in addition to all other levies authorized by law, on all the taxable property of the county, sufficient to reimburse such fund or funds within one year.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives
JNO. A. CALDWELL,
President of the Senate.

Passed March 6, 1900. 33L

[House Bill No. 63.]

AN ACT

For the relief of Nora E. Lesh.

WHEREAS, Nora E. Lesh was employed by the directors of subdistrict number four (4) in Somers township, Preble county, Ohio, to teach a term of school in said district in the years 1889 and 1890, and on her part fully executed her contract with said directors, and taught a satisfactory school; and

WHEREAS, She is unable to demand and receive a balance of $343.75, due her for her said services, by reason of the fact that she had no certificate to teach during the time covered by said unpaid balance; now therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township clerk of Somers township, Preble county, Ohio, is hereby authorized and directed to draw his order as such clerk on the township treasurer of said Somers township in favor of said Nora E. Lesh, for the sum of three hundred and forty-three and seventy-five one-hundredths dollars ($343.75), and said township treasurer shall pay said order so drawn out of the funds belonging to the schools of said township and applicable to the payment of teachers.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 6, 1900. 34L

[House Bill No. 159.]

AN ACT

To divide Pike township, Stark county, Ohio, into two election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township of Pike, in Stark county, Ohio, be divided into two election precincts as follows: Pierce precinct to consist of whole sections Nos. 21, 22, 23, 24, 25, 26, 27, 28, 13, the south half of section No. 12, and the east half of section No. 14. That said election precinct shall be known as Pierce precinct, and the voting place shall be at the village of Sparta, postoffice, Pierce, Stark county, Ohio. Pike precinct to consist of whole sections Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, the north half of section No. 12, and the west half of section No. 14. That said election precinct shall be known as Pike precinct, and the voting place shall be at the township hall, in Pike township, Stark county, Ohio.

SECTION 2. That the act passed April 23, 1898, and known as an act [to] divide Pike township, Stark county, Ohio, into two election precincts, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed March 8, 1900. 35L

[House Bill No. 249.]

AN ACT

To divide the township of Mad river, Montgomery county, into two (2) election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township of Mad River, in Montgomery county and state of Ohio, be and hereby is divided into two (2) election precincts, as follows:

SECTION 2. All of the township of Mad River, in the county of Montgomery, lying and being north of the north section line of section sixteen (16), twenty-two (22) and twenty-eight (28) shall be and constitute one election precinct, and be designated as Mad River township precinct north.

SECTION 3. All that part of land situated in Mad River township not comprised within said precinct north, shall constitute and be known as Mad River township precinct south.

SECTION 4. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed March 8, 1900. 36L

[House Bill No. 299.]

AN ACT

To detach certain territory in Richville precinct, Perry township, Stark county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the northwest quarter and the southwest quarter of section twenty-one (21), now included in Richville precinct, Perry township, Stark county, Ohio, be and the same is hereby detached from said precinct and the same is hereby attached to, and included in Massillon precinct, Perry township, Stark county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed March 8, 1900. 37L

[House Bill No. 289.]

AN ACT

To authorize the county commissioners of Mercer county, Ohio, to provide funds to replace buildings destroyed by fire, purchase additional land and improve the same, and make improvements on the Mercer county fair grounds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Mercer county, Ohio, be and are hereby authorized to provide for the purchase of, and to purchase for and on behalf of said county additional lands in the vicinity of the present fair grounds, and to provide means to replace buildings destroyed by fire, and improve the present fair grounds. The title to any and all such lands shall be conveyed to and vest in the board of county commissioners of Mercer county.

SECTION 2. Said board of county commissioners, for the purpose of providing the necessary means to pay for, and improve said lands, and replace said buildings, are hereby authorized to issue and sell the coupon bonds of said county, to an amount not in excess of seven thousand dollars ($7,000), payable at such place and at such time or times, not exceeding in all the period of ten years from such date of issue, and bearing such rate of interest not exceeding four per cent. per annum, payable semi-annually as said board of county commissioners may determine, and said bonds shall not be sold for less than their par value and accrued interest and shall be signed by said county commissioners and attested by the auditor of said county, and shall have the seal of said county affixed thereto.

SECTION 3. Said board of county commissioners are hereby authorized to annually levy on all taxable property of said county such tax in addition to other taxes, as will be necessary to provide a fund for the prompt payment of said bonds and interest as the same shall become due and payable.

SECTION 4. Said board of county commissioners are hereby authorized to permit the use and occupation of said grounds and improvements herein authorized to be purchased and constructed, by said county agricultural society of said county, for holding and conducting its county fairs thereon, under the same arrangements, terms and conditions as the present fair grounds and improvements used and occupied by the said county agricultural society are held.

SECTION 5. This act shall take effect on its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed March 8, 1900. 38L

[House Bill No. 272.]

AN ACT

To authorize the trustees of Gorham township, Fulton county, Ohio, to pay doctors' bills in certain cases therein specified.

WHEREAS, The school-house in subdistrict No. 5 of said township was demolished by a cyclone on May 16, 1899; and

WHEREAS, Miss Flossie Fisher, teacher, two children of John Marzolf, one child of John Flickinger, two children of Albert Mepham, three children of Job Borton and one child of Joseph Jecoby, were severely injured, incurring a doctor's bill aggregating the sum of one hundred and forty-four and 10-100 dollars, the payment of which is recommended by the board of education of said township; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Gorham township, Fulton county, Ohio, be and they are hereby authorized to pay from the general fund of said township, not otherwise appropriated, a sum not exceeding one hundred and forty-four and 10-100 dollars, the sum to be appropriated [apportioned] and paid to the injured parties aforesaid, in liquidation of their bills for medical attendance, by reason of injuries received, as set forth in the preamble.

SECTION 2. This act shall take effect on its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed March 8, 1900. 39L

[House Bill No. 382.]

AN ACT.

To provide for an official stenographer for Jackson county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the court of common pleas of Jackson county, Ohio, or the judge thereof in vacation, shall, within twenty (20)days after this act takes effect, appoint an official stenographer for the court of common pleas of said county, who shall be a resident of said county, and which stenographer when so appointed and qualified, shall be ex-officio the official stenographer of the circuit and probate courts of said county. Immediately upon such appointment, said court, or the judge thereof in vacation, shall cause an entry thereof to be made and entered upon the journals of said court.

SECTION 2. Such stenographer shall hold his or her office for the term of three (3)years from and after the date of his or her appointment, and until his or her successor be appointed and qualified, unless sooner removed by the court or judge appointing him or her, for neglect of duty, misconduct or incompetency. Such stenographer shall, before entering upon the duties of said office, take an oath that he or she will faithfully and impartially discharge the duties of said office.

SECTION 3. Such stenographer so appointed shall receive a salary of three hundred dollars ($300) per annum, payable quarterly, out of the general fund of the county treasury, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts of said county; and it shall be the duty of the auditor of said county to issue his warrant on the treasurer of said county for the payment of said salary, as herein provided as to time, out of the general fund of said county, upon presentation to him, or a filing thereof in his office, of a certified copy of the journal entry of the appointment of such stenographer.

SECTION 4. It shall be the duty of such official stenographer, when demanded by either party to a case actually tried, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court (when not in writing), all opinions rendered, and all such oral proceedings as the parties may request and the court direct, in all cases actually tried in the circuit, common pleas and probate courts of said county; the shorthand notes so taken to be the property of said county, and to be carefully preserved in the office of such stenographer; provided that if sessions of the circuit, common pleas or probate courts of said county are holden on the same day, said official stenographer shall give preference to the common pleas court, unless excused by the judge thereof. It shall also be the duty of such stenographer to make, or cause to be made, at the request of either party, their attorneys, or the court, an accurate transcript into typewritten longhand of the notes so taken in any case, or such portion thereof as may be requested, to be paid for forthwith by the party or parties ordering the same; but all transcripts ordered by the prosecuting attorney, or defendant, when counsel is assigned to defend, in a criminal case, or by the court for its own use, shall be paid for out of the treasury of said county, and the clerk of the proper court shall certify the amount of such transcripts, which certificate shall be a sufficient voucher to the auditor of said county, and upon which he shall draw his

warrant upon the county treasurer in favor of such stenographer; the costs of such transcripts ordered by the prosecuting attorney, or defendant, in criminal cases, or by the court for its own use, if used on appeal or error by either party, shall be taxed as costs in the case, and collected as other costs, and when so collected, to be, by the clerk of the proper court, paid quarterly into the treasury of said county and credited to the general fund. But such stenographer shall, when requested by the judge, or judges, of either of the aforenamed courts, and without extra charge or compensation, take from the dictation of such judge or judges, such shorthand notes as may be required in preparing opinions, or charges to juries, and furnish transcripts of the same.

SECTION 5. Such official stenographer shall receive for making such transcripts into typewritten longhand, eight cents ($0.08) per folio of one hundred (100) words; and when more than one such transcript shall be ordered at the same time by the same party, the fee for making such additional transcript shall be one-third (1-3) the fee allowed for the first copy, and shall be paid for in the same manner.

SECTION 6. In every case reported in the courts of said county, there shall be taxed for each day's service of such stenographer a fee of three dollars ($3.00), to be collected as other costs in the case, and when so collected, to be by the clerk of the proper court paid quarterly into the treasury of said county, and credited to the general fund; provided, that no fee less than three dollars ($3.00) be taxed in any case reported.

SECTION 7. Said official stenographer shall be furnished, by the board of county commissioners, with a suitable room in the court-house of said county, and all stationery, supplies and equipments necessary for the use of said stenographer in the proper discharge of his or her duties, and for the preservation of his or her stenographic notes.

SECTION 8. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 9, 1900. 40L

[House Bill No. 356.]

AN ACT

To authorize the county commissioners of Stark county to levy additional taxes for the purpose of replenishing the bridge fund of said county, for damages occasioned to bridges and roads by floods of 1897 and 1898.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Stark county be and they are hereby authorized, at their June session, 1900 and 1901, to levy each of said years not to exceed seven-tenths of one mill, upon each dollar of the taxable property of the county, for the purpose of replenishing the bridge fund of said county, the overdraft of which was caused by repairing the damages done to bridges and roads in said county by the floods of 1897 and 1898, in addition to the levy now authorized by law, the

same to be entered on the duplicate of said county and collected as other taxes.

SECTION 2. That the commissioners of Stark county are hereby authorized to borrow money in anticipation of said levy in an amount not to exceed the taxes to be realized from said levies, and at a rate of interest not to exceed six per cent., and for a period of time not exceeding the time of collection of said taxes, and to issue therefor the obligations of said county.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 9, 1900. 41L

[House Bill No. 210.]

AN ACT

To divide Israel township, in Preble county, Ohio, into two election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township of Israel, in Preble county, Ohio, be and hereby is divided into two election precincts as follows:

SECTION 2. All of the township of Israel, in Preble county, Ohio, lying and being in sections 19, 20, 29, 30, 31, 32 and the west half of section 33, shall be and constitute one election precinct, to be known as the College Corner precinct, and elections shall be held at College Corner, in said precinct.

SECTION 3. All that part of land situated in Israel township, in Preble county, Ohio, not comprised within said College Corner precinct shall constitute and be known as Morning Sun precinct.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 9, 1900. 42L

[House Bill No. 106.]

AN ACT

To repeal an act passed April 15th, 1892 (O. L., 89, page 327), entitled "An act to regulate burdens of vehicles upon county roads in counties having at the last federal census a population of not less than thirty-nine thousand five hundred and fifty (39,550) nor more than thirty-nine thousand five hundred and sixty (39,560)."

[LAWRENCE COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act passed April 15th, 1892 (O. L., vol. 89, page 327), entitled "An act to regulate burdens of vehicles upon county

roads in counties having at the last federal census a population of not less than thirty-nine thousand five hundred and sixty," be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 9, 1900. 43L

[House Bill No. 342.]

AN ACT

To provide for the issue of park bonds for boulevard purposes in cities of the third grade of the first class.

[TOLEDO.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in cities of the third grade of the first class the board of park commissioners thereof shall have the power to lay off, create, establish, improve, protect and maintain a system of boulevards, and for the purpose of providing means for payment of the expenses thereof the bonds of such city shall be issued and sold by said board of park commissioners, payable at such time or times as shall have been determined by said board, not exceeding fifty years from the date thereof, with interest not exceeding three and one-half percentum (3½%) per annum, payable semi-annually, which bonds shall be designated as "park bonds for boulevard purposes," and shall be signed by the president of such board, the mayor and clerk of such city, and shall be sold at not less than par, in the manner provided by law; but the aggregate amount of bonds issued and indebtedness incurred under this act shall not exceed one hundred and fifty thousand dollars ($150,000), nor shall more than seventy-five thousand dollars ($75,000) of such bonds be issued in any one year; provided, that in case any such city shall be located on both sides of a navigable river whereon harbor lines are established according to law, the aggregate expenditures from time to time, on any one side of said river, out of the fund herein provided for, shall not exceed thirteen-fifteenths of the amount realized from the sale of such bonds, and the remaining two-fifteenths of such fund may be expended in such city on the other side of said river, by said board for boulevard purposes.

SECTION 2. Before any said bonds are issued or tax levied as provided in this act, the question of issuing the bonds shall be submitted to the voters of such municipality at a general or special election. Such election shall be held at the regular place or places of voting in such municipality and shall be conducted, canvassed and certified in the same manner as provided by law for election of officers; provided, however, that when a special election for such purpose is held there shall be [but] one voting place in each ward, which shall be designated in the notice of such election hereinafter provided for. The board of park

commissioners and the mayor of any such municipality shall give fifteen days' notice of the submission and election in one or more newspapers printed therein, once each week for two consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued and the time and places of holding the election. The ballots shall be prepared according to the statutes in such case made and provided and shall contain in proper spaces respectively the words, "For the issue of park bonds for boulevard purposes—Yes," and "For the issue of park bonds for boulevard purposes—No:" and the electors shall make a cross in the blank space on the left of and before the answer which he desires to give, and if a majority of the voters voting at such election for and against such issue shall vote in favor thereof, then and not otherwise, the bonds shall be issued and the tax levied; provided, however, if from any cause it cannot be clearly determined from a ballot how the person casting the same desires to vote, he shall be considered as not having voted on the proposition.

SECTION 3. For the purpose of paying the interest and principal of the bonds issued under the provisions of this act, as the same shall become due, the common council of any such city shall levy annually upon the taxable property, real and personal, in such city, a sum sufficient to pay the same in addition to all other taxes authorized by law.

SECTION 4. No part of the funds derived from the sale of the bonds issued under the provisions of this act shall be used in payment of contract labor, save and except directly by the board to the person or persons performing such labor, and all such boards are hereby prohibited from contracting for labor to be paid from any said funds save directly with the person or persons performing the same, and from employing any labor at a compensation of less than $1.50 per day.

SECTION 5. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 9, 1900. 44L

[Senate Bill No. 81.]

AN ACT

To authorize the village council of the incorporated village of Germantown, Montgomery county, Ohio, to borrow money and issue bonds for certain purposes therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the incorporated village of Germantown, Montgomery county, Ohio, be and the same is hereby authorized to raise money to pay the present indebtedness of said village of Germantown, other than the bonds of said village now outstanding, not exceeding nine thousand ($9,000) dollars in the aggregate, in the manner hereinafter provided.

SECTION 2. The council of said village is hereby authorized to issue and sell the bonds of said village not exceeding in amount nine thous-

and ($9,000) dollars, which shall be used for the payment of the present indebtedness of said village, other than the present bonds outstanding against said village, and said bonds so to be issued, shall not be sold for less than the par value thereof and the proceeds of the sale of said bonds shall be applied to the purpose herein named.

SECTION 3. Said bonds as aforesaid authorized to be issued and sold shall be signed by the mayor of said incorporated village and countersigned by the clerk of said village and may be issued in denominations of not less than fifty dollars nor more than five hundred dollars, bearing interest not exceeding four per cent. per annum, payable semi-annually. Said bonds shall mature annually, commencing at such date as said council shall determine.

SECTION 4. In the payment of the principal and interest of said bonds as the same shall become due, the council of said village is hereby authorized and required to levy a tax on all the taxable property within the corporate limits of said village in such amounts as will meet, each year, the principal and interest then falling due upon said bonds, which levy shall be placed on the tax duplicate by the auditor of said Montgomery county, and collected as other taxes.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 13, 1900. 45L

[House Bill No. 461.]

AN ACT

To authorize the village council of the incorporated village of Rising Sun, Wood county, Ohio, to issue bonds for the purpose of providing said village with a town hall.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the village council of the incorporated village of Rising Sun, Wood county, Ohio, be and the same is hereby authorized to issue bonds of said village in the sum of five (5) thousand dollars, bearing interest at a rate not exceeding six per cent. per annum from date of issue, payable semi-annually, for the purpose of providing said village with a town hall.

SECTION 2. Said bonds shall be signed by the mayor of said village and countersigned by the clerk of said village; said bonds shall not be sold for less than their par value, and shall be issued in such amount respectively as will, in the judgment of the council, best subserve the negotiation and sale thereof, the principal shall be payable at such time as the council of said village may determine by ordinance within a period not exceeding twenty years, and said village council is hereby authorized to levy a tax upon all the taxable property of said village to pay said bonds and interest, not to exceed ten mills on the dollar in any one year.

SECTION 3. The funds realized from the sale of said bonds shall be used by the council of said village for the purpose of erecting, con-

structing and paying for a town hall for said village, which said town hall, when completed, shall be used and controlled in such manner as may be prescribed by law and the ordinances of said village.

SECTION 4. The question of issuing said bonds, levying said tax, and of erecting and constructing said town hall for said village of Rising Sun, shall be submitted to a vote of the qualified electors of said village, at a regular or special election called by said council of said village of which at least two days' notice shall be given, by posting up written notices in at least five public places within the limits of said village of the time and place of holding such election. The tickets to be voted at said election shall have written or printed thereon the words, "Town hall bonds—Yes," or "Town hall bonds—No;" and if a majority of such electors voting on said question shall vote "yes" then the council of such village shall have authority to proceed to issue and sell said bonds and to construct said town hall and not otherwise.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representaties.
JNO. A. CALDWELL,
President of the Senate.

Passed March 16, 1900. 46L

[House Bill No. 209.]

AN ACT

To authorize the board of education of York township, Belmont county, Ohio, to pay A. C. Denbow.

WHEREAS, A. C. Denbow taught school in subdistrict No. 3, York township, Belmont county, Ohio, for six years; and was employed by the directors in said district as teacher for the school year commencing September 1, 1893, at the rate of thirty-five dollars ($35) per month; and

WHEREAS, By mistake and misunderstanding as to the date said A. C. Denbow's certificate would expire, the said A. C. Denbow taught said school from the 17th day of October, 1893, to the 15th day of November, 1893, without having a legal certificate to teach school.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of York township, Belmont county, Ohio, be and they are hereby authorized and empowered to draw their warrant or order upon the treasurer of said township, and in favor of the said A. C. Denbow for the sum of thirty-five dollars ($35). the amount due said A. C. Denbow for teaching said time, and that the treasurer of said township be authorized and empowered to pay said A. C. Denbow the amount of said warrant out of any funds in his hands applicable to the payment of teachers in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representaties.
JNO. A. CALDWELL,
President of the Senate.

Passed March 16, 1900. 48L

[House Bill No. 248.]

AN ACT

To authorize the board of education of Bradford special school district of Darke and Miami counties, Ohio, to levy an additional tax for the purpose of increasing the contingent fund of said special district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the Bradford special school district of Darke and Miami counties, Ohio, be and they are hereby authorized to levy not to exceed two mills upon each dollar of the taxable property of said special district for the period of two years, for the purpose of increasing the contingent fund of the said special district, in addition to the levy now authorized by law, the same to be certified to the auditors of Darke and Miami counties, and collected as other taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representaties.
JNO. A. CALDWELL,
President of the Senate.

Passed March 16, 1900. 49L

[House Bill No. 305.]

AN ACT

To authorize the board of education of Willshire special school district, in Van Wert county, Ohio, to levy additional tax.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the Willshire special school district, in Van Wert county, Ohio, be and the same is hereby authorized to levy an additional tax for five years, and not to exceed seven mills on the dollar, in addition to the tax already authorized by law, the same to be collected as other taxes, for the purpose of meeting present indebtedness, future deficits in contingent fund for the continuance of the schools of the district, after the state funds are exhausted, and for other necessary school expenses, in said district.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 16, 1900. 50L

[House Bill No. 617.]

AN ACT

To authorize the council of any incorporated village, within this state, which at the last federal census had a population of not less than 2,460 nor greater than 2,470 to issue and sell bonds for sewer and street purposes.

[GREENFIELD.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of any incorporated village within this state, which at the last federal census had, or which at any subsequent federal census may have a population of twenty-four hundred and sixty (2,460) nor greater than twenty-four hundred and seventy (2,470), be and the same is hereby authorized to borrow money, not exceeding twenty-five thousand ($25,000) dollars for the purpose of constructing a sewer system, and repairing the streets in any such village. And the council of any such village is hereby empowered to issue bonds of the village for the money so borrowed. Said bonds to bear interest at a rate not exceeding six per cent per annum, payable semi-annually, and said bonds shall be of such denomination and shall mature at such times as the council may determine; provided said bonds shall not be sold for less than their par value.

SECTION 2. The said bonds shall not be issued by the council until the question shall have been first submitted to a vote of the qualified electors of any such village at a general election or a special election of which not less than ten days' notice shall be given by publication in the newspapers of the general circulation in the village; and at said election all those desiring to vote in favor of issuing said bonds shall have written or printed on their ballots the words, "Issue of bonds for sewerage and street repairs—Yes," and all voters desiring to vote against said issue of bonds shall have written or printed on their ballots the words, "Issue of bonds for sewerage and street repairs—No;" and if a majority of said votes cast at such election be in favor of the issue of such bonds, then the council may proceed as authorized in section one (1) of this act, and not otherwise.

SECTION 3. If the authority to issue said bonds is ratified by the electors of any such village as provided for in section two (2) of this act, the council is hereby authorized to expend a sufficient amount of such loan to construct a general system of sewerage as contemplated by plans and specifications filed in the clerk's office of any such village, by the civil engineer thereof, and to expend the balance of such loan in the repair of the streets of such village. And the council is further empowered to levy such an amount of the tax upon the taxable property of the village in addition to other taxes authorized by law as may be necessary to pay the interest and principal of such bonds, when the same becomes due. Said tax to be levied and collected in the manner as taxes for general purposes are levied and collcted.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 16, 1900. 51L

[House Bill No. 425.]

AN ACT

To authorize the county commissioners of Brown county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Brown county, Ohio, be and they are hereby authorized to transfer the sum of four thousand dollars ($4,000.00) from the special pike fund of said county, to the bridge fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 20, 1900. 52L

[House Bill No. 314.]

AN ACT

To authorize the commissioners of Clark county, Ohio, to transfer certain funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Clark county, Ohio, be and they are hereby authorized and empowered to transfer the sum of fifty-four hundred ($5,400) dollars from the election fund to the bridge fund, and six thousand ($6,000) dollars from the debt and interest fund to the bridge fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 20, 1900. 53L

[House Bill No. 315.]

AN ACT

For the relief of James W. Ewing, treasurer of the township of Wayne, in the county of Columbiana and state of Ohio, and ex officio treasurer of the board of education of said township.

WHEREAS, On the 21st day of October, 1898, James Ewing was the treasurer of the township of Wayne, county of Columbiana, and state of Ohio, and ex officio treasurer of the school funds of said township, and as such treasurer had on deposit with and in the First National bank of New Lisbon, Ohio, the sum of ten hundred and five and 89-100 dollars of the moneys of said township and school funds of said township of Wayne, one hundred and fifty dollars thereof being township funds, and eight

hundred and fifty-five and 89-100 dollars thereof being school funds of said township.

WHEREAS, On the 21st day of October, 1898, the doors of said bank were closed by order of the comptroller of the currency of the United States of America, who caused an examination of the affairs of said bank to be made by a legally appointed examiner of banking institutions under the laws of the United States, and after making said examination said examiner made a report thereof to said comptroller, who thereupon and on or about the 1st day of November, 1898, declared said bank to be insolvent; and appointed a receiver to wind up the affairs of said bank, and said bank was not opened from the time the same was closed by order of said comptroller until the appointment and qualification of said receiver, which was on November 12, 1898.

WHEREAS, The receiver of said bank will not be able to realize on the assets thereof coming into his hands a sufficient amount to pay the liabilities of said bank in full.

WHEREAS, Said receiver of said bank has already declared and paid a dividend of forty per cent. upon the indebtedness of said bank.

WHEREAS, The said James W. Ewing, treasurer aforesaid, was not furnished with a safe in which to keep said funds.

WHEREAS, The said First National bank of New Lisbon, Ohio, located at Lisbon (formerly New Lisbon), Ohio, had been in existence as a banking institution under the laws of the United States since 1874, and did a large and seemingly prosperous banking business, had on deposit large sums of money, and enjoyed the confidence of the people in the community in which it did business.

WHEREAS, There is in the treasury of said township, of the township and school funds thereof, funds sufficient that it will not be necessary to levy additional tax to carry into effect the provisions of this act.

WHEREAS, Ninety-two per cent. of the electors, and ninety-four per cent. of the tax payers of said township have by their petition expressed a desire to have the said James W. Ewing and his sureties upon his official bonds as treasurer of said township and as treasurer of said school funds released from any loss or liabilities growing out of the failure of said banking institution; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That James W. Ewing, late treasurer of the township of Wayne, county of Columbia and state of Ohio, and ex officio treasurer of the school funds of said township, and the sureties on his official bonds as such treasurers, be and the same are hereby relieved from the payment to said township or to the board of education of said township, or either or any of the said officials thereof of whatever part of said sum of $1,005.89 that shall remain unpaid to the said James W. Ewing from the said receiver of the said the First National bank of New Lisbon (Lisbon), Ohio, upon the settlement of its affairs.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representaties.
JNO. A. CALDWELL,
President of the Senate.

Passed March 20, 1900.

54L

[House Bill No. 390.]

AN ACT

Supplementary to section 968 of the Revised Statutes of Ohio.

[SENECA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 968*a* be enacted as supplementary to section 968 as follows: In all counties which by the federal census of 1890 had, or which at any subsequent federal census may have a population of not less than forty thousand eight hundred and sixty-nine (40,869) nor more than forty thousand eight hundred and seventy-nine (40,879), each infirmary director elected after the passage of this act shall for the full and proper discharge of the various duties of his said office, receive a salary of two hundred dollars ($200) per annum payable in equal quarterly installments out of the county treasury upon the warrant of the county auditor, and he shall receive nothing in addition to the salary so provided, either directly or indirectly by way of extra service, mileage, per diem expenses or otherwise, excepting when necessary to go outside of his county on official business; in that event he shall receive his actual traveling expenses in addition to his said salary, which shall, before being paid, be itemized and approved in writing by the prosecuting attorney and probate judge of said county.

SECTION 2. This act to be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representaties.
JNO. A. CALDWELL,
President of the Senate.

Passed March 20, 1900. 55L

[House Bill No. 293.]

AN ACT

Relative to the duties and compensation of certain county officers in Ottawa county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Ottawa county the compensation of officers hereafter elected shall be by annual salary exclusively, except as otherwise provided in sections 11 and 15 of this act, as follows: The auditor, eighteen hundred dollars; the treasurer, eighteen hundred dollars; the probate judge, twelve hundred dollars; the clerk of the court of common pleas, thirteen hundred dollars; the sheriff, fifteen hundred dollars; the recorder, twelve hundred dollars; the prosecuting attorney, seven hundred dollars; each infirmary director, two hundred dollars; county commissioners, nine hundred dollars each.

SECTION 2. Neither the county treasurer, county auditor, probate judge, clerk of the court of common pleas, sheriff, prosecuting attorney, county recorder, infirmary directors, or county commissioners, shall receive or agree to receive, directly or indirectly, any additional com-

hundred and fifty-five and 89-100 dollars thereof being school funds of said township.

WHEREAS, On the 21st day of October, 1898, the doors of said bank were closed by order of the comptroller of the currency of the United States of America, who caused an examination of the affairs of said bank to be made by a legally appointed examiner of banking institutions under the laws of the United States, and after making said examination said examiner made a report thereof to said comptroller, who thereupon and on or about the 1st day of November, 1898, declared said bank to be insolvent; and appointed a receiver to wind up the affairs of said bank, and said bank was not opened from the time the same was closed by order of said comptroller until the appointment and qualification of said receiver, which was on November 12, 1898.

WHEREAS, The receiver of said bank will not be able to realize on the assets thereof coming into his hands a sufficient amount to pay the liabilities of said bank in full.

WHEREAS, Said receiver of said bank has already declared and paid a dividend of forty per cent. upon the indebtedness of said bank.

WHEREAS, The said James W. Ewing, treasurer aforesaid, was not furnished with a safe in which to keep said funds.

WHEREAS, The said First National bank of New Lisbon, Ohio, located at Lisbon (formerly New Lisbon), Ohio, had been in existence as a banking institution under the laws of the United States since 1874, and did a large and seemingly prosperous banking business, had on deposit large sums of money, and enjoyed the confidence of the people in the community in which it did business.

WHEREAS, There is in the treasury of said township, of the township and school funds thereof, funds sufficient that it will not be necessary to levy additional tax to carry into effect the provisions of this act.

WHEREAS, Ninety-two per cent. of the electors, and ninety-four per cent. of the tax payers of said township have by their petition expressed a desire to have the said James W. Ewing and his sureties upon his official bonds as treasurer of said township and as treasurer of said school funds released from any loss or liabilities growing out of the failure of said banking institution; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That James W. Ewing, late treasurer of the township of Wayne, county of Columbia and state of Ohio, and ex officio treasurer of the school funds of said township, and the sureties on his official bonds as such treasurers, be and the same are hereby relieved from the payment to said township or to the board of education of said township, or either or any of the said officials thereof of whatever part of said sum of $1,005.89 that shall remain unpaid to the said James W. Ewing from the said receiver of the said the First National bank of New Lisbon (Lisbon), Ohio, upon the settlement of its affairs.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representaties.
JNO. A. CALDWELL,
President of the Senate.

Passed March 20, 1900.

54L

[House Bill No. 390.]

AN ACT

Supplementary to section 968 of the Revised Statutes of Ohio.

[SENECA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 968*a* be enacted as supplementary to section 968 as follows: In all counties which by the federal census of 1890 had, or which at any subsequent federal census may have a population of not less than forty thousand eight hundred and sixty-nine (40,869) nor more than forty thousand eight hundred and seventy-nine (40,879), each infirmary director elected after the passage of this act shall for the full and proper discharge of the various duties of his said office, receive a salary of two hundred dollars ($200) per annum payable in equal quarterly installments out of the county treasury upon the warrant of the county auditor, and he shall receive nothing in addition to the salary so provided, either directly or indirectly by way of extra service, mileage, per diem expenses or otherwise, excepting when necessary to go outside of his county on official business; in that event he shall receive his actual traveling expenses in addition to his said salary, which shall, before being paid, be itemized and approved in writing by the prosecuting attorney and probate judge of said county.

SECTION 2. This act to be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representaties.
JNO. A. CALDWELL,
President of the Senate.

Passed March 20, 1900. 55L

[House Bill No. 293.]

AN ACT

Relative to the duties and compensation of certain county officers in Ottawa county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Ottawa county the compensation of officers hereafter elected shall be by annual salary exclusively, except as otherwise provided in sections 11 and 15 of this act, as follows: The auditor, eighteen hundred dollars; the treasurer, eighteen hundred dollars; the probate judge, twelve hundred dollars; the clerk of the court of common pleas, thirteen hundred dollars; the sheriff, fifteen hundred dollars; the recorder, twelve hundred dollars; the prosecuting attorney, seven hundred dollars; each infirmary director, two hundred dollars; county commissioners, nine hundred dollars each.

SECTION 2. Neither the county treasurer, county auditor, probate judge, clerk of the court of common pleas, sheriff, prosecuting attorney, county recorder, infirmary directors, or county commissioners, shall receive or agree to receive, directly or indirectly, any additional com-

pensation for any services whatsoever, for the performance or omission of any official duty, nor a reward of any kind from any employe in his office, or other person, in consideration of the appointment of any such employe, nor any compensation of any of his employes, nor any money or thing by way of gift or otherwise, from any officer, agent or employe of the county, [or] of the commissioners, or from any other person, except as provided by this act. And no such employe shall pay or agree to pay, directly or indirectly, to the officer by whom he is employed, any reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer, for the performance or the omission of any official duty. The compensation of the deputies, assistants and other clerks and employes of such officer, except persons employed temporarily, as provided in section three hereof, shall be by annual salary exclusively, to be paid by the county in the manner hereafter provided, but if any such officer be removed from office, or any such assistant, deputy, clerk or employe be dismissed from his position, his compensation shall cease at the time of notice of his removal or dismissal.

SECTION 3. Each of the officers may select and name the persons, if any, to be employed in his office as deputies, clerks, assistants, or employes, and may designate the position or capacity in which they shall each serve, respectively, but the number of such deputies, assistants, clerks or employes, if any, shall be determined by the board of county commissioners, and in determining the number of such deputies, assistants, clerks or employes, for any office, such board shall have in view the number of such deputies, assistants, clerks or employes in each such respective office, during the year preceding the passage of this act; but no person shall be selected and named by any such officers and allowed by said board, than are absolutely necessary to properly perform in connection with said officer, the work required in any such office, having in view the economical administration of said respective offices. Provided that the employment of deputies, assistants, clerks or employes, temporarily, in addition to the regular employes, may be authorized by said board of commissioners for a period of not more than forty days, when satisfied that the business of any such office necessarily requires such temporary additional help. But no appointment of any such deputy, assistant, clerk or employe shall be made, either temporarily or permanently, except upon the written authorization of said board of commissioners, which authorization shall be filed in the office of the county auditor, and which shall state the number of such deputies, assistants, clerks or employes, and the character and extent of the duties and services which each of said deputies, assistants, clerks or employes are respectively selected to perform. The compensation of each such deputy, assistant, clerk or employe, shall be determined by the board of county commissioners at a regular session of said board of county commissioners and shall be entered upon their journal or order book. The said board shall fix such compensation at a reasonable amount consistent with the character and extent of the work to be performed by each, and shall at all times have in view, in fixing said compensation, the economical and efficient administration of any such office, and shall fix such compensation at such an amount as shall be consistent therewith; but said board shall not fix the compensation of any such deputy, assistant, clerk or employe temporarily employed at a less sum than $1.50 nor more than $2.50 per day for each day of actual service, nor

the compensation of any such [person] permanently employed at less than $200 per year. But the total compensation of all persons permanently employed shall not be more than an amount equal to fifty per cent. of the regular salary fixed in this act for the officer under which said person shall serve.

SECTION 4. Each officer mentioned in section one hereof allowed any deputy, assistant, clerk or employe, under this act, shall on the first business day of each month submit to the county commissioners a pay roll for the preceding month, which shall show the name and official title of such officer, the name of each person employed in his office for the month covered by the pay-roll in the capacity in which he was employed, and also the salaries of the officers, and compensation of the employes respectively, the allowance per day for temporary clerks or assistants, if any such have been employed, and the amount due each. There shall be attached to each such pay-roll a statement by such officer in person, under oath, that the pay-roll is correct in every particular, and that he is not to receive directly or indirectly, any portion of the compensation shown thereby to be due to any deputy, assistant, clerk or employe whose name is entered thereon. If the commissioners find upon examination that such pay-roll is correct they shall endorse thereon their approval of the same after it has been approved by the prosecuting attorney, and file the same with the county auditor, who shall draw his warrant on the county treasurer in favor of the respective persons whose names appear thereon, for the amount shown thereby to be due them, respectively, giving to each officer, deputy, assistant, clerk or employe a warrant for his salary or compensation, and take their receipts therefor, on the pay-roll, on the right hand margin opposite their respective names in a space headed "Received from the county auditor a warrant for the amount shown thereon due me."

SECTION 5. All fees, costs, percentages, penalties, allowances, perquisites and other official income which are now, or may hereafter be allowed by law to the county treasurer, county auditor, probate judge, clerk of the court of common pleas, sheriff, prosecuting attorney and county recorder for the performance of any official duty, or by the sheriff as master commissioner or receiver in any case, shall, when collected, be for the sole use and benefit of the county treasury of said county as public money, belonging to it, and shall be accounted for and paid over as such in the manner herein provided, and the total receipts thereof during each day, by each of said officers, unless otherwise specified herein, shall be paid to the county treasurer at the close of the business of the day and shall be accounted for by the treasurer; and such officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other official incomes that accrue to his office, and from whom the amounts paid to him each day, and said books of accounts, shall be part of the records of their respective offices and shall belong to the county and shall be transmitted to their respective successors in office. Provided, that such fees, costs, percentages, allowances and other perquisites in cases pending in court shall not be deemed to be earned or to have accrued within the meaning of this act until final judgment.

SECTION 6. Each officer mentioned in this act, if any fees, costs, percentages, penalties, allowances and other perquisites of office shall come into his possession, shall on the first day of each month file with

the county auditor a statement verified by his affidavit, showing the full receipts daily received by him for the preceding month, and the total for the month, from each of the sources specified in this act, and also an annual statement, verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances, perquisites, and other official incomes accrued to his office and not paid to him during the preceding year, and the name of each party liable, and the amount due from each, with a reference to the docket, page and number, where the same can be found. And on the day his term expires, he shall file with the auditor a like statement showing such daily receipts, since his last statement, and the total amount due and unpaid during his term of office; but such officer shall not be required to itemize his annual statement, further than specified in this act, but shall give a summary statement of the said amount due and unpaid. Such county treasurer, auditor, probate judge, clerk of the court of common pleas, sheriff and recorder shall on the first day of every month, take from the county treasurer a receipt for the sum total paid over to the county treasurer during the preceding month, and shown by his report, which receipts shall be filed in the county auditor's office, and the auditor shall give to the officer an acknowledgment for the amount paid by such officer, and which sum so paid in by separate and distinct funds, to be known respectively as "treasurer's funds," and "recorder's funds."

SECTION 7. The county treasurer shall on the first business day of each month of each year make out under oath, and file in the auditor's office a report showing the total amount of money in his hands on the first day of the preceding month belonging to each of said funds named in section six.

SECTION 8. All statements, reports and books required by this act shall be carefully preserved, shall be subject to public inspection during all business hours, shall remain in their respective offices wherein required to be filed, and at the expiration of the term of any officer, shall be turned over to his successor in office.

SECTION 9. Each of the said officers, deputies, assistants, clerks or employes mentioned in this act, shall draw their salaries monthly as herein provided. All salaries and compensation herein contemplated shall be paid out of any money in the county treasury, belonging to the county and not otherwise appropriated, upon order to that effect made by the board of county commissioners, but in no case shall such salary or compensation be ordered paid until the services for which payment is sought shall have been rendered. Provided, such county treasurer, county auditor, probate judge, clerk of the court of common pleas, sheriff and county recorder had not permitted to remain in the county treasury if due from the county, or has not turned in the county treasury, fees, costs, percentages, allowances, perquisites and other official incomes to which he may be entitled by the county, or which he may have collected in a sufficient amount to equal the total amount of his respective monthly allowance of salary, and compensation to his deputies, assistants, clerks or employes, if any, then such a sum only shall be allowed as shall equal the sum turned into such treasury by each respective officer, actually earned during his term of office, which sum shall be distributed between said officer and his deputies, assistants, clerks or employes, if any, in proportion to the salary or compensation allowed to each.

SECTION 10. If there shall be any balance of salary due and unpaid to any officer and his deputies, assistants, clerks and employes, if any, at the time of making any monthly report or at the last return at the close of his term of office, and there be not a sufficient amount of fees, costs, percentages, penalties, allowances, perquisites or other official incomes collected by such officers remaining in the county treasury, at such time, to pay such balance, it shall be paid to him, and his deputies, assistants, clerks and employes, if any, out of the fees, costs, percentages, allowances, perquisites or other official incomes earned by him during his term of office and afterwards collected by said officer or his successor.

SECTION 11. The sheriff and infirmary directors shall be reimbursed, out of the county treasury, for actual expense incurred while out of the county on official business, and the sheriff shall also be reimbursed out of the county treasury for the actual cost of keeping, caring for and feeding prisoners confined in the county jail, and the county auditor shall receive two percentum of all omitted taxes entered and collected, in addition to his salary. The county commissioners shall specify the manner in which such prisoners shall be kept, and shall see that such regulations as they shall prescribe as to the food, care and keeping of said prisoners are fully complied with by the sheriff.

SECTION 12. Each officer mentioned in section one, to whom there may accrue any fees, costs, percentages, penalties, perquisites or official incomes, shall exercise due diligence in the collection of such fees, costs, prcentages, penalties, allowances, and other perquisites accruing to his office. But the county commissioners may, by an order entered on the journal and certified to the county treasurer, authorize such treasurer to omit for thirty days to enforce payment of penalties for the non-payment of taxes within the time limited by law, and the treasurer shall not be required to report to the commissioners in his statements by this act the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 13. It shall be the duty of the county commissioners and prosecuting attorney to see that the provisions of this act are faithfully complied with, and the county commissioners may employ an expert accountant whenever and for such time as they deem necessary, and pay such compensation as they may deem judicious, not to exceed five dollars per day, to ascertain, by examination, whether the books and accounts of the officers mentioned in section one are legally and correctly kept, and whether the statements they are required by this act to make to the commissioners are correct; and such accountant shall report to the commissioners the result of such examination, which report they shall preserve in their office. If it appears by any such report, or by an inspection of such statements or books, by said county commissioners or prosecuting attorney, that any such books or account of any such statement is false and fraudulent in any respect, the county commissioners shall make a thorough examination of the matter, and may, if they deem it necessary or expedient, subpœna witnesses and examine them under oath, and they shall have the same power as justices of the peace to compel the attendance of witnesses. If the said statements, books and accounts are found to be correct and legal, the cost of any such investigation shall be paid from the general fund of the county, upon a warrant drawn by the county auditor when duly certified to him, by the county commissioners, but if such statements, books or accounts are found to

be false and fraudulent, then the cost of such investigation shall be taxed against said officer so making such false and fraudulent statement, book or account, and retained out of such officer's salary.

SECTION 14. Nothing in this act shall be construed to vest in any officer mentioned in section one, any such fees, costs, percentages, penalties, allowances or other perquisites as are earned and unpaid at the end of their respective official terms, except as provided in sections 11 and 15 hereof, but the same shall be the property of the county, to be collected by their successor in office, and applied as provided in this act; and such fees, costs, percentages, penalties, allowances and other perquisites may be collected by an action at law, brought in the name of the county.

SECTION 15. All accounts of fees, costs, percentages, penalties, allowances and other perquisites due to any officer named in section one of this act, and all fines and forfeitures in criminal cases which remain unpaid for a period of one year after they are due, shall, by said officer, be turned over to the prosecuting attorney for collection, who shall, on the first Monday in each month, pay over to the officer for whom the collection is made, all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount so paid over, and enter a statement of such payment on the books of his office; an execution shall issue upon the precipe of such officer or prosecuting attorney to enforce the payment of such accounts. For such services said prosecuting attorney shall receive ten per cent. on all amounts so by him collected, in addition to the salary fixed by this act; but he shall not be called upon to make such collection until such officer has made diligent effort to collect such fees and costs, and failed.

SECTION 16. If any officer mentioned in section one wilfully fail or refuse to faithfully and promptly perform any duties required of him by this act, and knowingly violates any provision thereof, or wilfully make any fraudulent showing in any statement or report rendered by him, or in any account or book provided for herein, or knowingly collects illegal fees or costs, or knowingly directs or permits any deputy, assistant, clerk or employe, to collect any illegal fees or costs, he shall, upon conviction, be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one year, nor more than five years, or both; and such officer shall thereby also be removed from office; and if any deputy, assistant, clerk or employe knowingly and wilfully violate any provision of this act, he shall be fined not more than five hundred dollars, or be imprisoned in the county jail not less than three months, nor more than one year, or both. The aforesaid penalties against said officers, deputies, assistants, clerks or employes, shall be in addition to the penalties provided by existing statutes, and the fines imposed by this action shall be paid into the county treasury to the credit of the general fund of the county.

SECTION 17. The official bond required by law to be taken from any of said officers shall be deemed to make the parties to the same liable for any violation of the provisions of this act, and for the faithful performance of all duties required thereby.

SECTION 18. Any provision of statute in force when this act takes effect which conflicts with any provision of this act, shall to the extent that it is inconsistent and conflicts with this act, and not otherwise, be held to be superseded by this act, as to the said county of Ottawa; but

other provisions of statute so in force relating to county officers, their duties, and to county affairs, shall not be affected by this act.

SECTION 19. This act shall take effect and be in force from and after its passage, but it shall not affect the fees, compensation or salary of any officer mentioned in section one hereof, elected prior to the passage of this act.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 21, 1900. 56L

[House Bill No. 175.]

AN ACT

Relative to the duties and compensation of certain county officers in Erie county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Erie county the compensation of officers hereafter elected shall be by annual salary exclusively, except as otherwise provided in sections 11 and 15 of this act, as follows: The auditor, two thousand dollars; the treasurer, two thousand dollars; the probate judge, twenty-two hundred dollars; the clerk of the court of common pleas, two thousand dollars; the sheriff, two thousand dollars; the recorder, fifteen hundred dollars; the prosecuting attorney, twelve hundred dollars; the county commissioners, one thousand dollars each; infirmary director, two hundred [dollars].

SECTION 2. Neither the county treasurer, county auditor, probate judge, clerk of the court of common pleas, sheriff, prosecuting attorney, county recorder or infirmary directors, shall receive or agree to receive, directly or indirectly, any additional compensation for any services rendered whatsoever, for the performance or omission of any official duty, nor a reward of any kind from any employe in his office, or other person, in consideration of the appointment of any such employe, nor any compensation of any of the employes, nor any money or thing by way of gift or otherwise, from any officer, agent or employe of the county or of the commissioners, or from any other person except as provided by this act. And no such employe shall pay or agree to pay, directly or indirectly, to the officer by whom he is employed, any reward for his appointment, nor receive from any person any fee or compensation for his own use, or for the use of such officer for the performance or the omission of any official duty. The compensation of the deputies, assistants and other clerks and employes of such officer, except such person employed temporarily, as provided in section 3 hereof, shall be by annual salary exclusively, to be paid by the county in the manner herafter provided, but if any such officer be removed from office, or any such assistant, deputy, clerk or employe be dismissed from his position, his compensation shall cease at the time of notice of his removal or dismissal.

SECTION 3. Each of the officers may select and name the persons, if any, to be employed in his office as deputies, clerks, assistants, or employes, and may designate the position or capacity in which they shall each serve, respectively, but the number of such deputies, assistants, clerks or employes, if any, shall be determined by the judge of court of common pleas, and in determining the number of such deputies, assistants, clerks or employes, for any such office, such judge shall have in view the number of such deputies, assistants, clerks or employes in each such respective office, during the year preceding the passage of this act; but no person shall be selected and named by any such officers and allowed by said board, than are absolutely necessary to properly perform in connection with said officer, the work required in any such office, having in view the economical administration of said respective offices. Provided, that the employment of deputies, assistants, clerks or employes temporarily, in addition to the regular employes, may be authorized by said judge for a period of not more than forty days, when satisfied that the business of any such office necessarily requires such temporary additional help. But no such appointment of any such deputy, assistant, clerk or employe shall be made, either temporarily or permanently, except upon the written authorization of said judge, which authorization shall be filed in the office of the county auditor, and which shall state the number of such deputies, assistants, clerks or employes, and the character and extent of the duties and services which each of said deputies, assistants, clerks or employes are respectively selected to perform. The compensation of each such deputy, assistant, clerk or employe, shall be determined by the board of county commissioners at a regular session of said board of county commissioners and shall be entered upon their journal or order book. The said board shall fix such compensation at a reasonable amount consistent with the character and extent of the work to be performed by each, and shall at all times have in view in fixing said compensation, the economical and efficient administration of any such office, and shall fix such compensation at such an amount as shall be consistent therewith; but said board shall not fix the compensation of any such deputy, assistant, clerk or employe temporarily employed at a less sum than $1.00 nor more than $2.00 per day for each day of actual service. The compensation of any person permanently employed shall not be less than $200 per year. But the total compensation of all persons permanently employed shall not be more than an amount equal to forty per cent. of the regular salary fixed in this act for the officer under which said persons shall serve.

SECTION 4. Each officer mentioned in section 1 hereof, allowed any deputy, assistant, clerk or employe, under this act, shall on the first business day of each month submit to the county commissioners a pay-roll for the preceding month, which shall show the name and official title of such officer, the name of each person employed in his office for the month covered by the pay-roll in the capacity in which he was employed, and also the salaries of the officers, and compensation of the employes respectively, the allowance per day for temporary clerks or assistants, if any such have been employed, and the amount due each. There shall be attached to each pay-roll a statement by such officer in person, under oath, that the pay-roll is correct in every particular, and that he is not to receive, directly or indirectly, any portion of the compensation shown thereby to be due any deputy, assistant, clerk or employe whose name is entered thereon. If the commissioners find

upon examination that such pay-roll is correct, they shall endorse thereon their approval of the same after it has been approved by the prosecuting attorney, and file the same with the county auditor, who shall draw his warrant on the county treasurer in favor of the respective persons whose names appear thereon, for the amount shown thereby to be due them, respectively, giving to each officer, deputy, assistant, clerk or employe a warrant for his salary or compensation, and take their receipts therefor, on the pay-roll, on the right hand margin opposite their respective names in a space headed "Received from the county auditor a warrant for the amount shown thereon due me."

SECTION 5. All fees, costs, percentages, penalties, allowances, perquisites and other official income which are now, or may hereafter be allowed by law to the county treasurer, county auditor, probate judge, clerk of the court of common pleas, sheriff, prosecuting attorney and county recorder for the performance of any official duty, or by the sheriff as master commissioner, or receiver in any case, shall, when collected, be for the sole use and benefit of the county treasurer of said county as public money, belonging to it, and shall be accounted for and paid over as such in the manner herein provided, and the total receipts thereof during each week, by each of said officers, shall be paid to the county treasurer on Monday of each week for all the moneys collected during the previous week, and shall be accounted for by the treasurer; and such officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other official incomes that accrue to his office, and from whom the amounts paid to him each day, and said books of accounts shall be part of the records of their respective offices and shall belong to the county and shall be transmitted to their respective successors in office. Provided, that such fees, costs, percentages, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act until final judgment.

SECTION 6. Each officer mentioned in this act, if any fee, costs, percentages, penalties, allowances and other perquisites of office shall come into his possession, shall in the first day of each month file with the county auditor a statement verified by his affidavit, showing the full receipts daily received by him for the preceding month, and the total for the month, from each of the sources specified in this act, and also, an annual statement, verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances, perquisites, and other official incomes accrued to his office and not paid to him during the preceding year, and the name of each party liable, and the amount due from each, with a reference to the docket, page and number, where the same can be found. And on the day his term expires, he shall file with the auditor a like statement showing such daily receipts, since his last statement, and the total amount due and unpaid during his term of office; but such officer shall not be required to itemize his annual statement further than specified in this act, but shall give a summary statement of the said amount due and unpaid. Such county treasurer, auditor, probate judge, clerk of the court of common pleas, sheriff and recorder shall on the first day of every month, take from the county treasurer a receipt for the sum total paid over to the county treasurer

during the preceding month, and shown by his report, which receipts shall be filed in the county auditor's office, and the auditor shall give to the officer an acknowledgment for the amount paid by such officer, and which sum so paid in by separate and distinct funds, to be known respectively as "treasurer's funds" and "recorder's funds."

SECTION 7. The county treasurer shall on the first business day of each month of each year make out under oath, and file in the auditor's office a report showing the total amount of money in his hands on the first day of the preceding month belonging to each of said funds named in section six.

SECTION 8. All statements, reports and books required by this act shall be carefully preserved, shall be subject to public inspection during all business hours, shall remain in their respective offices wherein required to be filed, and at the expiration of the term of any such officer, shall be turned over to his successor in office.

SECTION 9. Each of the said officers, deputies, assistants, clerks or employes mentioned in this act, shall draw their salaries monthly as herein provided. All salaries and compensation herein contemplated shall be paid out of any money in the county treasury, belonging to the county and not otherwise appropriated, upon order to that effect made by the board of county commissioners, but in no case shall such salary or compensation be ordered paid until the services for which payment is sought shall have been rendered. Provided, such county treasurer, county auditor, probate judge, clerk of the court of common pleas, sheriff and county recorder had not permitted to remain in the county treasury if due from the county, or has not turned into the county treasury, fees, costs, percentages, allowances, perquisites and other official incomes to which he may be entitled by the county, or which he may have collected in a sufficient amount to equal the total amount of his respective monthly allowance of salary, and compensation to his deputies, assistants, clerks, or employes, if any, then such a sum only shall be allowed as shall equal the sum turned into such treasury by each respective officer, actually earned during his term of office, which sum shall be distributed between said officer and his deputies, assistants, clerks or employes, if any, in proportion to the salary or compensation regularly allowed to each.

SECTION 10. If there shall be any balance of salary due and unpaid to any such officer and his deputies, assistants, clerks and employes, if any, at the time of making any monthly report or at the last return at the close of his term of office, and there be not a sufficient amount of fees, costs, percentages, penalties, allowances, perquisites, or other official incomes collected by such officer remaining in the county treasury, at such time to pay such balance, it shall be paid to him, and his deputies, assistants, clerks and employes, if any, out of the fees, costs, percentages, penalties, allowances, perquisites or other official incomes earned by him during his term of office and afterwards collected by said officer, or his successor.

SECTION 11. The sheriff and infirmary directors shall be reimbursed, out of the county treasury, for actual expense incurred while out of the county on official business, and the sheriff shall also be reimbursed out of the county treasury for the actual cost of keeping, caring for and feeding prisoners confined in the county jail. The county commissioners shall specify the manner in which such prisoners shall be kept,

and shall see that such regulations as they shall prescribe as to the feed, care and keeping of said prisoners are fully complied with by the sheriff.

SECTION 12. Each officer mentioned in section one, to whom there may accrue any fees, costs, percentages, penalties, perquisites or official incomes, shall exercise due diligence in the collection of such fees, costs, percentages, penalties, allowances and other perquisites accruing to his office. But the county commissioners may, by an order entered on the journal and certified to the county treasurer, authorize such tresurer to omit for thirty days to enforce payment of penalties for the non-payment of taxes within the time limited by law, and the treasurer shall not be required to report to the commissioners in his statements by this act the percentages allowed him by the law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 13. It shall be the duty of the county commissioners and prosecuting attorney to see that the provisions of this act are faithfully complied with, and the county commissioners may employ an expert accountant whenever and for such time as they deem necessary, and pay such compensation as they may deem judicious, not to exceed five dollars per day, to ascertain, by examination, whether the books and accounts of the officers mentioned in section 1 are legally and correctly kept, and whether the statements they are required by this act to make to the commissioners are correct; and such accountant shall report to the commissioners the result of such examination, which report they shall preserve in their office. If it appears by any such report, or by an inspection of such statements or books, by said county commissioners, or prosecuting attorney, that any such books or account of such statement is false and fraudulent in any respect, the county commissioners shall make a thorough examination of the matter, and may, if they deem it necessary and expedient, subpoena witnesses and examine them under oath, and they shall have the same power as justices of the peace to compel the attendance of witnesses. If the said statements, books and accounts are found to be correct and legal, the cost of any such investigation shall be paid from the general fund of the county, upon a warrant drawn by the county auditor when duly certified to him by the county commissioners, but if such statements, books or accounts are found to be false and fraudulent, then the cost of such investigation shall be taxed against said officer so making such false and fraudulent statement, book or account, and retained out of such officer's salary.

SECTION 14. Nothing in this act shall be construed to vest in any officer mentioned in section 1, any such fees, costs, percentages, penalties, allowances, or other perquisites as are earned and unpaid at the end of their respective official terms, except as provided in section 11 and 15 hereof, but the same shall be the property of the county, to be collected by their successors in office and applied as provided in this act; and such fees, costs, percentages, penalties, allowances and other perquisites may be collected by an action at law, brought in the name of the county.

SECTION 15. All accounts of fees, costs, percentages, penalties, allowances and other perquisites due to any officer named in section one of this act, and all fines and forfeitures in criminal cases which remain unpaid for a period of one year after they are due, shall, by said officer, be turned over to the prosecuting attorney for collection, who shall on the first Monday in each month pay over to the officer for whom the

collection is made, all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount so paid over, and enter a statement of such payment on the books of his office, an execution shall issue upon the precipe of such officer or prosecuting attorney to enforce the payment of such accounts. For such services said prosecuting attorney shall receive ten per cent. on all amounts so by him collected, in addition to the salary fixed by this act; but he shall not be called upon to make such collections until such officer has made diligent effort to collect such fees and costs, and failed.

SECTION 16. If any officer mentioned in section one, wilfully fail or refuse to faithfully and promptly perform any duties required of him by this act, and knowingly violates any provision thereof, or wilfully make any fraudulent showing in any statement or report thereby rendered by him, or in any account or book provided for herein, or knowingly collects illegal fees and costs, or knowingly directs or permits any deputy, assistant, clerk or employe to collect any illegal fees or costs, he shall, upon conviction, be fined in any sum not more than five thousand dollaw, or be imprisoned in the penitentiary not less than one year, nor more than five years, or both; and such officer shall hereby also be removed from office; and if any deputy, assistant, clerk or employe knowingly and wilfully violates any provision of this act, he shall be fined not more than five hundred dollars, or be imprisoned in the county jail not less than three months, nor more than one year, or both. The aforesaid penalties against said officers, deputies, assistants, clerks or employes, shall be in addition to the penalties provided by existing statutes, and the fines imposed by this action shall be paid into the county treasury to the credit of the general fund of the county.

SECTION 17. The official bond required by law to be taken from any of said officers shall be deemed to make the parties to the same liable for any violation of the provisions of this act, and for the faithful performance of all duties required thereby.

SECTION 18. Any provision of statute in force when this act takes effect which conflicts with any provisions of this act, shall to the extent that it is inconsistent and conflicts with this act, and not otherwise, be held to be superseded by this act, as to the said county of Erie, but other provisions of statute so in force relating to county officers, their duties and to county affairs, shall not be affected by this act.

SECTION 19. This act shall take effect and be in force from and after its passage, but it shall not affect the fees, compensation or salary of any officer mentioned in section one hereof, elected prior to the passage of this act.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 21, 1900. 57L

[House Bill No. 653.]

AN ACT

To provide for the erection of a new court-house in Greene county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That commissioners of Greene county in conjunction with the freehold electors to be appointed, as hereinafter provided, constituting together a building commission, be and they hereby are authorized to build a court-house in said county upon the present court-house site, and to provide for furnishing, heating, lighting, ventilating and for sewerage of the same at a cost of not exceeding two hundred thousand dollars; provided, the heating apparatus, or part thereof, for such court-house may be located in a proper building on the jail lot of said county.

SECTION 2. To carry out the provisions of this act, said county commissioners shall levy upon the taxable property of said county such taxes as may be necessary, not exceeding the sum above named; and in anticipation of the revenue to be thus derived said county commissioners shall issue bonds of said county, with interest coupons attached, in denominations of not less than five hundred dollars nor more than one thousand dollars each, numbered consecutively, and to be signed by at least two of said county commissioners and countersigned by the county auditor, who shall also sign said coupons and keep a record of the bonds issued, in his office. Said bonds shall be payable to the bearer, and shall bear interest at the rate of not exceeding four per cent. per annum, payable semi-annually, principal and interest payable in gold at such place as the county commissioners may designate. They shall be payable not exceeding thirty years after their date; but they may be issued in sums not exceeding eight thousand dollars, one such sum to be payable in each and every year after five years from the date of their issue. They shall be sold by such building commission at not less than their par value and accrued interest. Provided, the county commissioners shall have authority to purchase and cancel any of said bonds whenever there are funds in the treasury available for the purpose.

SECTION 3. Said county commissioners shall, annually, levy such taxes upon the duplicate of the county, as shall be necessary to pay accruing interest, and such part of the principal falling due each year, until said bonds are paid.

SECTION 4. At least ten days before any submission as hereinafter provided, the judge of the court of common pleas of said county, shall appoint four (4) suitable and competent freehold electors of said county, not more than two of whom shall be of the same political party, who shall in connection with the county commissioners, constitute the building commission as aforesaid, and who shall serve until the completion of said court-house as contemplated herein. Said persons so appointed shall receive for their services, the same compensation as the county commissioners, including mileage, but not exceeding two hundred dollars ($200) on the first year, nor one hundred dollars ($100) for all the time employed thereafter, to be paid monthly out of the county treasury upon the certificate of said common pleas judge and the warrant of the county auditor. The necessary expenses for stationery, postage, correspondence, and of travel out of said county, required in the discharge of the duties of said commission, shall be paid out of the

said county on the order of the county commissioners and the auditor, the same to be reimbursed out of the proceeds [illegible]. Said freehold electors so appointed as aforesaid, shall, before entering upon the discharge of their duties, as herein provided, each take an oath of office, and shall, severally, enter into bond for the faithful and honest discharge of the duties of their office, in the same amount as is required in cases of county commissioners, and with sureties to the approval of said judge of the court of common pleas; said bonds to be delivered to and kept by the county treasurer. In case of the death, resignation or removal of any of the members of said building commission so appointed, the vacancy shall be filled by said common pleas judge by appointment as hereinbefore provided. Said building commission shall, after adopting plans, specifications and estimates, invite bids and award contracts for said court-house and for furnishing, heating, lighting, ventilating and for sewerage of the same, and to determine all questions connected therewith until said court-house shall have been completed according to the true intent and meaning of this act, and accepted by said building commission.

SECTION 5. Plans, drawings, representations, bills of materials, specifications of work and estimates of cost thereof, when approved by said building commission, shall be filed by the county auditor in his office, and shall not be altered, deviated from or added to, unless the proposed alteration, deviation or addition shall first be drawn, specified and estimated for as required by law for the original plans, and approved by said building commission; provided, that such alterations, deviations, and additions shall not increase the cost of said court-house and of furnishing, heating, lighting, ventilating and sewerage of the same beyond the aggregate amount herein authorized to be expended therefor; and provided, further, no such changes shall be made until the price to be paid for the same shall have been agreed upon in writing between said building commission and the contractor.

SECTION 6. Resolutions for the adoption or alteration of plans or specifications, the awarding of contracts, and the fixing the compensations of the architect and superintendent, the approval of bonds and the allowance of estimates shall be in writing, and require for their passage the votes of five members of the said building commission, to be taken by yeas and nays, and recorded on the journal of said county commissioners.

SECTION 7. Full and accurate records of all proceedings of said building commission shall be kept by the county auditor upon the journal of the county commissioners, and he shall carefully preserve in his office all plans, drawings, representations, bills of material and specifications of work and estimates of cost in detail and in the aggregate pertaining to said court-house. The auditor shall be allowed the same compensation for recording the minutes of the building commission as is allowed the county recorder for recording deeds.

SECTION 8. Said building commission shall advertise for proposals for the work and material, for the erection, furnishing, heating, lighting, ventilating and for sewerage of said court-house, in at least two newspapers of general circulation in said county, and in one daily newspaper of Cincinnati and Columbus, respectively, for such periods as said commissioners shall direct. Such advertisement may be for proposals for the entire work and material as a single job, or for separate portions

thereof, as said building commission may deem best, the commission retaining the right to reject any or all bids. Proposals must be accompanied by a good and sufficient bond in such amount as said building commission shall prescribe, conditioned that the bidder, if awarded the contract, will enter into contract and give bond for its faithful performance in such amount and with such sureties as the building commission shall approve.

SECTION 9. Said building commission shall employ a competent and reliable architect, as superintendent of construction, who shall give bond to the county commissioners in the sum of twenty thousand dollars ($20,000) with sureties to the approval of said building commission, conditioned for the honest and faithful discharge of his duties as such superintendent, and that he will prevent all changes and alterations in the plans and specifications without the consent of said building commission, as required by section 6 of this act. Said superintendent shall be subject to removal by said commission and shall at least once in thirty days, or oftener if required by said building commission, report in writing to said commission the progress of the work; whether it is being done as expeditiously as is reasonable and in all respects in accordance with the plans, specifications and contract for material and workmanship, which reports shall be examined by said building commission and its action thereon recorded on the journal and said report filed and preserved by the county auditor for the inspection of all persons desiring to examine them.

SECTION 10. No member of said building commission shall or the architect or superintendent directly be pecuniarily interested in any contract for work to be done or material to be furnished in and about the erection, furnishing, heating, lighting, ventilating or for sewerage of said court-house, or in anything pertaining thereto, under penalty of not exceeding ten thousand dollars, nor less than two hundred dollars, to be recovered in a civil action in the name of the state of Ohio for the use of the county; and such member shall moreover, forfeit any compensation he was to receive on such contract, anything in the same to the contrary notwithstanding.

SECTION 11. Pending the building of said court-house said county commissioners shall provide a place or places for the conduct of the public business of said county; and if necessary to safety they shall cause the public records to be deposited and kept in some place or places apart from the building or buildings where such business is conducted, providing suitable arrangements for caring for and consulting such records; and the rental incurred under this provision shall be reimbursed to said county from the proceeds of said bonds.

SECTION 12. Before any action shall be taken under the provision of this act, other than the appointment of said four members of said building commission the question of the policy of building such court-house, furnishing, heating, lighting, ventilating and providing sewerage for the same, and the issuing of bonds therefor, shall be by said county commissioners submitted to a vote of the electors of said county at an annual spring or fall election or at a special election, in accordance with the provisions of section 2825 of the Revised Statutes of Ohio (93 O. L., 99), except for the first submission there need be no petition, but notice of such special election of at least ten days shall be given; provided at any subsequent submission notice shall be given as required by law.

treasury of said county on the order of the county commissioners and warrant of the auditor, the same to be reimbursed out of the proceeds of said bonds. Said freehold electors so appointed as aforesaid, shall, before entering upon the discharge of their duties, as herein provided, each take an oath of office, and shall, severally, enter into bond for the faithful and honest discharge of the duties of their office, in the same amount as is required in cases of county commissioners, and with sureties to the approval of said judge of the court of common pleas; said bonds to be delivered to and kept by the county treasurer. In case of the death, resignation or removal of any of the members of said building commission so appointed, the vacancy shall be filled by said common pleas judge by appointment as hereinbefore provided. Said building commission shall, after adopting plans, specifications and estimates, invite bids and award contracts for said court-house and for furnishing, heating, lighting, ventilating and for sewerage of the same, and to determine all questions connected therewith until said court-house shall have been completed according to the true intent and meaning of this act, and accepted by said building commission.

SECTION 5. Plans, drawings, representations, bills of materials, specifications of work and estimates of cost thereof, when approved by said building commission, shall be filed by the county auditor in his office, and shall not be altered, deviated from or added to, unless the proposed alteration, deviation or addition shall first be drawn, specified and estimated for as required by law for the original plans, and approved by said building commission; provided, that such alterations, deviations, and additions shall not increase the cost of said court-house and of furnishing, heating, lighting, ventilating and sewerage of the same beyond the aggregate amount herein authorized to be expended therefor; and provided, further, no such changes shall be made until the price to be paid for the same shall have been agreed upon in writing between said building commission and the contractor.

SECTION 6. Resolutions for the adoption or alteration of plans or specifications, the awarding of contracts, and the fixing the compensations of the architect and superintendent, the approval of bonds and the allowance of estimates shall be in writing, and require for their passage the votes of five members of the said building commission, to be taken by yeas and nays, and recorded on the journal of said county commissioners.

SECTION 7. Full and accurate records of all proceedings of said building commission shall be kept by the county auditor upon the journal of the county commissioners, and he shall carefully preserve in his office all plans, drawings, representations, bills of material and specifications of work and estimates of cost in detail and in the aggregate pertaining to said court-house. The auditor shall be allowed the same compensation for recording the minutes of the building commission as is allowed the county recorder for recording deeds.

SECTION 8. Said building commission shall advertise for proposals for the work and material, for the erection, furnishing, heating, lighting, ventilating and for sewerage of said court-house, in at least two newspapers of general circulation in said county, and in one daily newspaper of Cincinnati and Columbus, respectively, for such periods as said commissioners shall direct. Such advertisement may be for proposals for the entire work and material as a single job, or for separate portions

thereof, as said building commission may deem best, the commission retaining the right to reject any or all bids. Proposals must be accompanied by a good and sufficient bond in such amount as said building commission shall prescribe, conditioned that the bidder, if awarded the contract, will enter into contract and give bond for its faithful performance in such amount and with such sureties as the building commission shall approve.

SECTION 9. Said building commission shall employ a competent and reliable architect, as superintendent of construction, who shall give bond to the county commissioners in the sum of twenty thousand dollars ($20,000) with sureties to the approval of said building commission, conditioned for the honest and faithful discharge of his duties as such superintendent, and that he will prevent all changes and alterations in the plans and specifications without the consent of said building commission, as required by section 6 of this act. Said superintendent shall be subject to removal by said commission and shall at least once in thirty days, or oftener if required by said building commission, report in writing to said commission the progress of the work; whether it is being done as expeditiously as is reasonable and in all respects in accordance with the plans, specifications and contract for material and workmanship, which reports shall be examined by said building commission and its action thereon recorded on the journal and said report filed and preserved by the county auditor for the inspection of all persons desiring to examine them.

SECTION 10. No member of said building commission shall or the architect or superintendent directly be pecuniarily interested in any contract for work to be done or material to be furnished in and about the erection, furnishing, heating, lighting, ventilating or for sewerage of said court-house, or in anything pertaining thereto, under penalty of not exceeding ten thousand dollars, nor less than two hundred dollars, to be recovered in a civil action in the name of the state of Ohio for the use of the county; and such member shall moreover, forfeit any compensation he was to receive on such contract, anything in the same to the contrary notwithstanding.

SECTION 11. Pending the building of said court-house said county commissioners shall provide a place or places for the conduct of the public business of said county; and if necessary to safety they shall cause the public records to be deposited and kept in some place or places apart from the building or buildings where such business is conducted, providing suitable arrangements for caring for and consulting such records; and the rental incurred under this provision shall be reimbursed to said county from the proceeds of said bonds.

SECTION 12. Before any action shall be taken under the provision of this act, other than the appointment of said four members of said building commission the question of the policy of building such court-house, furnishing, heating, lighting, ventilating and providing sewerage for the same, and the issuing of bonds therefor, shall be by said county commissioners submitted to a vote of the electors of said county at an annual spring or fall election or at a special election, in accordance with the provisions of section 2825 of the Revised Statutes of Ohio (93 O. L., 99), except for the first submission there need be no petition, but notice of such special election of at least ten days shall be given; provided at any subsequent submission notice shall be given as required by law.

And provided further, a majority in favor of the required tax of all voting on the question submitted shall be sufficient to authorize the same and shall operate to require the provisions of this act to be fully carried out.

SECTION 13. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 21, 1900. 58L

[House Bill No. 303.]

AN ACT

To authorize the trustees of Sandy township, Tuscarawas county, Ohio, to transfer any moneys which may be in the general fund of the treasury of said township at their regular meeting in April, 1900, not exceeding twenty-six hundred dollars ($2600) to a building fund, to be used for the surpose of constructing two township buildings for voting and other public purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Sandy township, Tuscarawas county, Ohio, be and are hereby authorized to appropriate any funds which may be in the treasury of said township at their regular meeting in April, 1900, and not exceeding two thousand six hundred dollars ($2,600), and not otherwise appropriated, to a building fund for the construction of two township buildings for voting and other public purposes—one of which shall be in the village of Mineral City at an expense not exceeding eighteen hundred dollars ($1,800), and another public building at precinct number two in said township at an expense not exceeding eight hundred dollars ($800).

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 21, 1900. 59L

[House Bill No. 428.]

AN ACT

To authorize the village of McComb and the township of Pleasant in Hancock county, Ohio, to jointly erect, own and occupy a town and township hall, to be located in said village of McComb.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the village of McComb and the township of

Pleasant in Hancock county, Ohio, be and they hereby are authorized to purchase a site in said village and erect thereon a town hall for the joint use of the inhabitants of said village and township. The cost of said site and building shall not exceed the sum of nine thousand dollars ($9,000) of which sum the said village of McComb shall bear the two-thirds part thereof and the said township of Pleasant the one-third part thereof.

SECTION 2. Before any expense shall be incurred for such site and building the question of the erection of such hall shall be submitted to the electors of said village and township by the council of said village and the trustees of said township jointly at a general or special election. If a majority of the votes cast at such election shall be in favor of erecting such town hall, then the council of said village and the board of trustees of said township shall issue and sell bonds of the village and township respectively for an amount sufficient to raise its proportionate share of the expense of such site and building. The said bonds shall bear interest at not to exceed the rate of six (6) per centum, payable semi-annually and at such place and shall mature at such times as the council of said village and the trustees of said township shall respectively prescribe by resolution; and said bonds shall not be sold for less than the par value thereof. And the said council and the said trustees are respectively authorized and empowered to levy a tax upon all the taxable property within their respective jurisdictions in addition to the taxes now authorized by law, to such an amount as shall be necessary to meet the principal and intrest on the aforesaid bonds as they may become due and payable by the terms thereof.

SECTION 3. If the election aforesaid shall result in favor of the erection of such hall, the said council shall choose two of their number and the said trustees one of their number by resolution, to be known and designated as a building committee, who shall have authority to select and purchase a site, procure and approve plans for, and contract for and superintend the erection of said building.

SECTION 4. The title to such site and building shall be vested in the village of McComb and the trustees of said township of Pleasant jointly in their respective proportion, namely the village of McComb the undivided two-thirds interest thereof and the trustees of said Pleasant township the undivided one-third interest thereof as tenants in common. The expense of insurance, repairs and the proper care and maintenance of the premises shall be borne in the proportion that each owns therein, and any income from the use of said premises by way of rents or otherwise shall be divided between said township and village in accordance to such proportion.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 21, 1900. 60L

[House Bill No. 420.]

AN ACT

To authorize the board of education of Circleville city school district to increase the rate of tax levy and to borrow money in anticipation of the collection of school taxes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Circleville city school district be and it is hereby authorized to levy not to exceed one mill annually, for twelve years, in addition to the rates now authorized by law for school purposes to pay the principal and interest of the bonds issued under and in pursuance of an act entitled "An act to provide for the construction of additional school rooms in the Circleville city school district, of Pickaway county, Ohio," passed March 18th, 1896, Ohio Laws, volume 92, page 507; no provision having been made in said act for the payment of said bonds and interest, except from the money raised by the regular levies, which said board of education is authorized by law to make, and to pay the unfunded indebtedness of said school district.

SECTION 2. The said board of education is hereby authorized to borrow money in anticipation of the school fund, but the aggregate amount so borrowed shall not exceed in any fiscal year the amount of school taxes levied for that year.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 21, 1900. 61L

[House Bill No. 346.]

AN ACT

To authorize the council of the incorporated village of Shawnee, of Perry county, in the state of Ohio, to issue bonds for the purpose of purchasing, erecting, constructing, operating and maintaining an electric light plant for lighting streets, alleys and public places in such village, and supplying light for private use.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the incorporated village of Shawnee, of Perry county, in the state of Ohio, be and the same are hereby authorized to issue the bonds of such village in any sum not exceeding twenty-five thousand dollars ($25,000), for the purpose of purchasing, constructing, erecting, operating and maintaining an electric light plant for lighting the streets, avenues, alleys and public places of such village and furnishing the same to the citizens thereof at such prices as said council may deem proper.

SECTION 2. Such bonds shall be issued by the council of said village in denominations of not less than one hundred dollars ($100) nor

more than five hundred dollars ($500) payable at such times not exceeding twenty years from the date of said bonds, as the council shall provide; such bonds to draw interest not exceeding six percentum per annum, payable semi-annually, and at such place as said council may determine. Said bonds shall express upon their face the purpose for which and the act under which issued, and shall be signed by the mayor and countersigned by the clerk of said village and shall not be sold for less than their par value.

SECTION 3. The council of said village is authorized and required to levy a tax annually in addition to those now authorized by law, on the taxable property of said village, in such amount as will each year be sufficient to pay principal and interest on said bonds as they may become due and payable by the terms thereof.

SECTION 4. Before any such bonds shall be issued and sold the question of the issue and the sale for the purpose herein specified shall be submitted to the qualified electors of such village, at a regular or special election called for the purpose of voting on such question, notice of which election, at least ten days prior to the day of holding the same, shall be given by the clerk of such village in all the newspapers published and in general circulation in such village. Such election shall be held at the usual place of holding elections, and by the officers authorized by law to preside at elections in such village. Those voting in favor of the issue of such bonds shall have written or printed on their ballots the words, "For the issue of electric light bonds — Yes;" those voting against the same, the words, "For the issue of electric light bonds — No." If a majority of such electors voting on said question shall vote "yes," then the council of such village shall have authority and proceed to issue and sell said bonds, and not otherwise.

SECTION 5. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 62L

[Senate Bill No. 64.]

AN ACT

Authorizing the board of directors of the university of Cincinnati and their successors to sell and convey property devised by Charles McMicken to the city of Cincinnati for certain purposes.

WHEREAS, Charles McMicken by his last will and testament devised to the city of Cincinnati large tracts of realty, in trust for the purpose of establishing and maintaining a college for boys and girls; and

WHEREAS, Said will provided that said property should not be sold nor leased for a longer period than fifteen (15) years; and

WHEREAS, It has been unprofitable for the city of Cincinnati, as trustee of the University of Cincinnati, to comply with this provision, and it will be of great benefit to said institution if any or all of the property so devised could be sold or leased for a term of years, or perpetually with or without the privilege of purchase.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of directors of the university of Cincinnati and their successors shall have power, and they are hereby authorized to sell and convey any and all of the property devised by Charles McMicken to the city of Cincinnati for the purpose of establishing and maintaining a college for boys and girls, and to execute good and sufficient deeds therefor in fee simple, and said board of directors shall have power, and they are hereby authorized to lease any or all of said property for a term of years with or without privilege of purchase. Such deeds and leases to be made upon such terms and conditions as may be mutually agreed upon by and between the parties thereto, and it shall be sufficient for the president and clerk of the board of directors to execute such deeds and leases on behalf of the board of directors.

SECTION 2. The proceeds of such sales shall be invested by the board of directors of the university of Cincinnati in the manner provided for by section forty-one hundred and one (4101) of the Revised Statutes, and in no other manner, and the interest of said investments shall be paid over to the treasurer of the city of Cincinnati to be credited to the account of the university of Cincinnati; and all income derived by leases made hereunder shall be collected by the clerk of the board of directors of the university of Cincinnati, and by him paid over to the treasurer of the city of Cincinnati to be credited to the account of the university of Cincinnati, and said interest and income from rents shall be appropriated to the use of the university of Cincinnati in the same manner and subject to the same use as the rents or income of said property are by said will of Charles McMicken required to be used, and for no other uses or purposes.

SECTION 3. That all acts and parts of acts inconsistent with this act are hereby declared void as to such inconsistency, but not otherwise.

SECTION 4. This act shall take effect and be in force on and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 63L

[Senate Bill No. 228.]

AN ACT

To provide for the financial relief of Hamilton county, consequent upon an insufficiency of current revenues, to pay the expense of the decennial appraisement and equalization of 1900, to redeem outstanding [bonds, and to pay the outstanding] indebtedness of said county.

WHEREAS, The current revenues of Hamilton county are insufficient to meet the expense of appraising and equalizing its real estate in 1900, to redeem outstanding bonds maturing in January, 1901, and to pay other outstanding indebtedness, the accumulation of over twenty-five years.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That, for the purpose of providing for said extraordinary expense, of refunding certain bonds hereinafter named and of

liquidating the existing overdraft in the county fund of Hamilton county, the commissioners of said county be and they are hereby authorized to borrow a sum not exceeding one hundred and ninety-five thousand dollars, to be expended for the following purposes, to wit: First, to pay the cost and expense of appraising, equalizing and revising the valuation of the real property of said county under the appraisement and equalization required by law to be made in the year 1900, a sum not exceeding one hundred thousand dollars. Second, to redeem an issue of twenty thousand dollars of the outstanding bonds of said county, issued under an act passed on January 16, 1891 (88 O. L., 611), for the payment of district assessors and maturing January 15, 1901, a sum not exceeding twenty thousand dollars. Third, to balance and liquidate the over-draft in the county fund of said county as the same may be on July 1, 1900, a sum not exceeding seventy-five thousand dollars.

SECTION 2. For the repayment of any loan made for any of the purposes named in the preceding section, the commissioners of said county are hereby authorized and empowered to issue the bonds of said county, as they may be needed, in an amount not exceeding one hundred and ninety-five thousand dollars, in denominations of one hundred dollars each, and bearing interest at a rate not exceeding four per cent per annum, payable semi-annually. Each issue shall be made payable in ten equal installments, maturing respectively in one, two, three, four, five, six, seven, eight, nine and ten years after date of issue. Said bonds shall not be sold at less than par value. At the time an issue is ordered by the commissioners, they shall designate, by resolution, the purpose of the loan and the amount for each purpose, and none of the funds realized shall be used for any other purpose than that designated by the commissioners. Any premium realized from the sale of any of said bonds, shall be pro rated by the commissioners according to the amount designated by them for each purpose, and may be used for that purpose. Any surplus remaining not needed for the purposes of this act, including the premiums realized, shall be transferred, by the commissioners, as soon as ascertained, to the sinking fund of the county and become a part thereof. The county commissioners shall levy a tax each year sufficient in amount to pay the interest on all outstanding bonds issued and sold under this act and to redeem the bonds maturing in the year for which the levy is made.

SECTION 3. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 64L

[Senate Bill No. 25.]

AN ACT

To authorize the infirmary directors of Hocking county to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the infirmary directors of Hocking county, Ohio, be and they are hereby authorized to transfer the sum of five hundred

and sixteen dollars and eighty cents ($516.80) from the children's home fund of said county to the county poor fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 65L

[Senate Bill No. 168.]

AN ACT

To provide for the repair of a levee along the west bank of the Scioto river in Franklin county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The commissioners of Franklin county are hereby authorized to repair the levee along the west bank of the Scioto river from the bridge abutment at west end of the bridge over the Scioto river on Greenlawn avenue, Franklin township, Franklin county, to the Frank road in said township. In performance of the said duties the said county commissioners shall employ the county surveyor to make full, complete and accurate working plans for, and estimates of, the cost of said levee, and superintend the construction thereof. And thereupon said commissioners shall advertise for proposals to do said work, at least twenty days prior to the letting thereof, and shall award the same to the lowest and best bidder therefor. And they shall require adequate security for the performance thereof.

SECTION 2. For the purpose of raising money to defray the cost and expense of repairing said levy, said county commissioners are hereby authorized to issue and sell, according to law, the bonds of said county, amounting in the aggregate to the sum of ten thousand dollars. In the issuance, sale and redemption thereof said commissioners shall be governed by the provisions of sections 871, 872, 873, 874 and 875 of the Revised Statutes.

SECTION 3. Should it prove necessary, in order to [improve] said levee, to acquire any private property, said commissioners shall have authority to purchase such land or property as may by them be deemed necessary for such purpose, or to appropriate the same by a proceeding instituted in the probate court of said county, and such proceeding and the appropriation of such property shall be governed by the provisions contained in chapter eight of title two of part third of the Revised Statutes, but no such land or property shall be taken until the owner thereof has first been compensated therefor in money.

SECTION 4. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 66L

[House Bill No. 259.]

AN ACT

To establish a special school district in Fairfield township, Butler county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That a special school district in the township of Fairfield, Butler county, Ohio, to be known as the Lindenwald special school district, be and the same is hereby established in and of the following described territory, to wit: Beginning at the intersection of the line of the Cincinnati, Hamilton and Dayton railroad with the north line of section 36 in Fairfield township; thence west on said section line to the Miami river; thence south along said river to the south line of section 6 in said township; thence east on said south line to its intersection with the C. H. & D. railroad; thence north along said railroad to the place of beginning.

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds and the funds levied for incidental expenses in accordance with the enumeration of the year 1899, of school children entitled to attend school; said funds being those now collected within the township or county treasuries, but this provision shall be subject to the limitation contained in section 5 of this act. Said special school district shall be governed by such laws as now are or may hereafter be in force relating to special school districts.

SECTION 3. Within twenty days after the passage of this act, written or printed notices shall be posted in at least three of the most public places within said territory, signed by at least three resident electors of the same, requesting the qualified electors thereof to assemble on a day at least five days from the day of posting, at an hour and place designated in said notices, and then and there, in the manner provided by law for the election of members of boards of education for special school districts, shall proceed to elect three members to constitute a board of education; one to serve until the third Monday of April next succeeding his election, and one to serve for one year, and one for two years from said third Monday of April, and until the election and qualification of their successors, and on the second Monday of April each year following the first election of the board of education, there shall be elected one member to serve for three years and until his successor is elected and qualified.

SECTION 4. The members of the board of education so elected and qualified are hereby empowered and directed to make such provisions as may be necessary for the establishment and conduct of a public school within the territory of said special school district.

SECTION 5. This act shall take effect and be in force from and after its passage, but it is not to affect any of the existing contracts of the board of education of said township, pertaining to the schools now existing therein, but said existing contracts shall be executed according to the terms thereof, and in accordance with the laws now in force.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 67L

[House Bill No. 405.]

AN ACT

To provide for the erection of market buildings in cities of the first grade of the second class.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In cities of the first grade of the second class there shall be a commission of five members, citizens of such cities, to be known as the "market building commission," whose term of office shall continue until the duties herein provided for shall have been performed. The members of such commission shall be appointed by the mayors of such city [cities]; and all vacancies shall be filled by appointment in like manner. Said appointment shall be made at least four days before the holding of the election provided for in section 10 of this act.

SECTION 2. The members of such commission shall give bond in the sum of five thousand dollars, with sureties to the satisfaction of the director of accounts of such cities, and take an oath of office. Such commission shall organize by the election of a president and secretary from its own members and adopt a code of rules for its government. It shall have power to appoint a clerk, architect, superintendent and such other employes as it may deem necessary, and fix their compensation, which shall be paid out of the funds in the treasury to the credit of such commission upon the warrant of the director of accounts. And the members of such commission shall be paid their necessary expenses from the same source in the same way.

SECTION 3. It shall be the duty of such commission to erect and furnish, within such cities, a market building, centrally located, which may, in the discretion of such commission, contain a hall or halls for public assemblages, and offices and accommodations for various officials and departments of such cities.

SECTION 4. Any existing market space or place in such cities may be selected and utilized by such commission as a site for such building and in case it be found necessary to remove any existing building or buildings that may be found upon such market space, or upon such lots or lands as may be purchased or appropriated as provided in the next succeeding section, such commission may receive competitive bids for the purchase and removal of the same, under such conditions and regulations as it may prescribe, and the proceeds of such sale shall be deposited in the treasuries of the counties in which such cities may be situated, to the credit of such commission.

SECTION 5. If, in the opinion of the commission, the market space so selected for such site is insufficient in area for the purpose of such building, it shall have the authority to purchase, or to appropriate, such adjacent lots and lands as it may deem necessary for such purpose, by a proceeding to be instituted in the name of such cities, in the probate court of the county in which such cities may be located, and such proceeding, and the appropriation of such property shall be governed by the provisions contained in chapter eight of title two of part third of the Revised Statutes of Ohio; but no such lots or lands shall be taken until the owner thereof shall have been first compensated therefor in money. And the title to the property so purchased or appropriated shall be and

remain in such cities of the first grade of the second class for the uses and purposes of markets and market buildings.

SECTION 6. Such building, after its completion, shall be and remain under the control and direction of the authorities of such cities of the first grade of the second class having charge of the markets and market spaces thereof.

SECTION 7. In the letting of the contract or contracts for the construction of such building, including the materials and labor therefor, such commission shall be governed by the provisions of the statutes relating to the construction of public buildings, and especially the provisions contained in chapter one of title seven of part one of the Revised Statutes and the acts amendatory of and supplementary thereto; provided, however, that such commission shall not enter into any contract or contracts which, together with the cost of such additional lots and lands as may be acquired, shall contemplate or provide for a total expenditure of more than three hundred and fifty thousand dollars.

SECTION 8. For the purpose of raising money to defray the cost and expense of purchasing or appropriating such lots and lands, and constructing and furnishing such building, such commission shall issue and sell, according to law, the bonds of such cities, for the payment of which at maturity and the accruing interest thereon, the credit of such cities shall be pledged, amounting in the aggregate to not more than three hundred and fifty thousand dollars; and the money arising from such sales of bonds shall be deposited in the treasuries of the counties in which such cities may be located to the credit of such "market building commission," for the uses and purposes contemplated by this act, which moneys, and all other moneys to the credit of such commission, shall be paid out upon the warrant of the director of accounts of such cities based upon certificates signed by the president and secretary of such commission.

SECTION 9. Such bonds shall be payable in not more than thirty years, bear interest at a rate of not more than five per cent., payable semi-annually, and shall be signed by the mayor and the director of accounts, and have the corporation seal affixed thereto. In no case shall such bonds be sold for less than their par value, and shall be sold to the highest and best bidder, after thirty days' notice in at least two newspapers of general circulation in such cities, stating the rate of interest and length of time the bonds have to run, with time and place of sale; and additional notice may be published outside of such cities. The net income arising from rentals of such market building shall be paid into the sinking fund hereinafter provided for; and the councils of such cities shall, annually, if necessary, levy upon all the taxable property of such cities such tax as may be sufficient in rate and amount to pay the interest and provide a sinking fund to pay such bonds at maturity, and such tax may be additional in rate and amount to all other taxes authorized to be levied by such cities for any and all other purposes.

SECTION 10. Before such "market building commission" shall issue or sell any such bonds, the proposition shall be submitted to the electors of such cities of the first grade of the second class, at a general municipal election to be designated by the mayors of such cities, who shall issue a proclamation of such designation and submission, which proclamation

he shall cause to be published at least four days before such election in one or more newspapers of general circulation in such city, and shall cause a copy thereof to be certified to the board of elections in such city. And it shall be the duty of the board of elections in such city when such proclamation is so certified to prepare the ballots and make all necessary arrangements for the submission of such proposition to the electors of such city at the time fixed in such proclamation. Such election shall be held at the usual places of holding elections, by separate ballots, upon which the electors favoring the proposition to issue such bonds shall have written or printed "Issuance of market bonds—Yes," and those opposing the same, "Issuance of market bonds—No," which ballots shall be deposited in separate ballot boxes; and all election officers in canvassing such ballots and transmitting the returns thereof shall be governed by the provisions of the statutes on those subjects relating to the election of municipal officers, and the result of such election shall be ascertained and declared in the same way. If a majority of the electors voting upon such proposition vote "yes," then such "market building commission" shall have full power and authority to issue and sell said bonds.

SECTION 11. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 68L

[House Bill No. 634.]

AN ACT

To authorize certain cities to provide for house connections to water-mains in streets about to be paved or permanently improved.

[GREENVILLE.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any city of the fourth grade of the second class, which at the last federal census had, or at any federal census may have a population not greater than five thousand four hundred and eighty, nor less than five thousand four hundred and seventy, the city council shall have the power to provide by ordinance or resolution that all house connections and service pipes attached to, or used in connection with, the water-mains shall be made in all streets, alleys and highways about to be paved, macadamized or otherwise permanently improved in such cities, before such paving or other improvement shall be made; and for the assessment of the costs and expenses thereof upon the lots or parcels of land adjoining or abutting upon the highways in which the same are laid; but in no case, except as a sanitary measure, shall the council require any house connections to be built further from the main pipe than the line of the curb stone.

SECTION 2. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 69L

[House Bill No. 699.]

AN ACT

To create the township of Salem, in the county of Wyandot, state of Ohio, a separate road district for macadamizing purposes, and to improve the roads and highways in said township, and to levy and assess taxes for said macadamizing and improving of said roads and highways in said township.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Salem township, Wyandot county, be and the same is constituted and made a separate and independent road district for the purpose of macadamizing and improving the roads and highways in said township, and for no other purpose, independent of and free from the operation of existing laws relating to the improvement of roads and highways.

SECTION 2. The trutees of Salem township, Wyandot county, for the purpose of macadamizing and improving the roads and highways in said township so constituted and made as special and independent road district by the provision of section one of this act, be and they are hereby authorized to purchase stone and gravel for the purpose of macadamizing, graveling and improving the roads in sai dtownship; but the said trustees shall not pay for the services of man and team for hauling said stone or gravel more than twenty (20) cents per cubic yard per mile, and proportionately for any fraction of a mile, except that less than one-eighth (1-8) of a mile shall not be computed or considered; and the trustees in determining the division of the road fund and the distribution of said fund to the several roads and highways in said township, shall be governed by the necessities of the roads, the convenience of getting material, the quality of the material necessary to make substantial repairs, and shall, in expending the funds for improving the roads as provided in this section, give preference to those for whom the tax is collected for road purposes, and it shall be the duty of the trustees to see that this provision is observed so far as practicable for the best interests of the roads and tax payers.

SECTION 3. The township [clerk] shall furnish said trustees with a list of names of all persons in said township required by law to do road work, and the amount of said work required by each: and all labor on said roads shall be performed under the direction of the township trustees, who shall have entire control of all roads and all road improvements in said township not now by law under control of the county commissioners; and the office of supervisor of roads is hereby abolished in said township for a period of five years from the first day of April, 1900.

SECTION 4. It shall be unlawful for any person or persons, firm or corporation, either by themselves or agent, to transport over the graveled or macadamized roads of Salem township, Wyandot county, Ohio, between the 15th day of November of any year and the 15th day of May of the following year, a burden of more than 3,600 pounds in any vehicle having a tire less than five inches in width; or a burden of more than 2,500 pounds in any vehicle having a tire of less than four inches in width; or a burden of more than 2,000 pounds in a vehicle having a tire less than three inches in width; or a burden of more than 1,500 pounds in a vehicle having a tire less than 1¾ inches in width; provided, however, that when the roads are sufficiently dry or frozen to bear up without injury to the pike or improved road, bur-

dens of greater weight than specified, then, and in that case, the herein mentioned restrictions shall not be in force.

SECTION 5. Traction engines, and all machinery transported upon wagons or trucks shall be estimated at gross weight, and owners of said traction engines shall be liable for all damages done the pike roads in said township by said engines at any time of the year.

SECTION 6. In case of the violation of this act any freeholder may and the township trustees shall prosecute the person or persons, or if by agent, the principal thus violating this act, before any justice of the peace in and for said township in action for damages in the name of the state of Ohio, for the use of the pike fund of said township, and on conviction shall be fined not less than five nor more than fifty dollars, and for a second and repeated offense thus violating this act, if convicted, the justice of the peace shall, in addition to the fine, render a judgment against the defendant or defendants for any damages done the said pike roads.

SECTION 7. That the taxes authorized to be levied shall be placed by the county auditor upon the taxable property of the township and collected by the county treasurer as other taxes, and when collected shall be paid to the township treasurer of the township from which the same was collected, and be under the control of the township trustees thereof for the purpose of improving by macadamizing or graveling, the public roads and highways.

SECTION 8. The trustees of said Salem township, are hereby authorized to levy a tax on all the taxable property in said township, annually, in addition to the amount now authorized by law, not to exceed two (2) mills on the dollar in any one year, for a period of five years from the passage of this act, for the payment of the expense of the improvement, repair and macadamizing of the roads in said township; but before said levy authorized by this section is made by the trustees, the trustees of said township shall submit to the qualified electors of said township at some special or general election, and the clerk of said township shall give notice to the qualified electors, at least five (5) days prior to said election, by posting not less than three notices in each sub-school district in said township, setting forth therein the time and place of holding said election for the purpose for which the levy is to be made and the proceeds applied. The ballots voted at said election shall have written or printed thereon the words, "For road improvement levy—Yes;" "For road improvement levy—No." If a majority of all the voters voting at said election vote for and approve the levy, and the same shall be so certified by the judges of said election, the trustees may proceed to make such levy, and otherwise not.

SECTION 9. That an act entitled "An act creating the township of Salem, in the county of Wyandot, state of Ohio, a separate road district for macadamizing purposes, and to improve the roads and highways in said township, and to levy and assess taxes for said macadamizing and improving of said roads and highways in said township," passed May 16th, 1894 (O. L, vol. 91, pp. 766 and 767), be and the same is hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 70L

[House Bill No. 688.]

AN ACT

To reduce in number the membership of the board of education of Aurora township, Portage county, Ohio.

WHEREAS, The board of education of Aurora township, Portage county, Ohio, has by authority of existing statute abandoned certain subdistricts in said township and have made provision for transporting the pupils thereof to the school in Aurora village in said township; and

WHEREAS, It is the earnest desire of said board of education and the citizens of said township that the members of said board be reduced from eight to three; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That on and after the first Monday of April, nineteen hundred, said board of education shall cease and determine and on said day there shall be elected by the qualified electors of said township three judicious citizens, one for one year, one for two years, one for three years, the same to constitute the board of education of said Aurora township, and each year thereafter there shall be elected one member to serve three years, and until his successor is elected and qualified.

SECTION 2. This act shall be held to supersede any act or parts of acts which in any way conflict herewith, but not otherwise.

SECTION 3. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 71L

[Senate Bill No. 5.]

AN ACT

To amend section 4 of an act entitled "An act to authorize the commissioners of any county in the state of Ohio, which at the last federal census of 1890 had, or which at any subsequent census may have, a population of not less than 57,413 nor more than 57,450, to borrow money or to issue and sell bonds to pay the present county and bridge fund indebtedness, and to levy a tax to pay said borrowed money or bonds and interest as the same become due."

[BELMONT COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4 of an act passed April 13, 1893 (local laws of Ohio, vol. 90, page 26), entitled "An act to authorize the com-

missioners of any county in the state of Ohio, which at the federal census of 1890 had, or which at any subsequent census may have, a population of not less than 57,413 nor more than 57,450, to borrow money or to issue and sell bonds to pay the present county and bridge fund indebtedness and to levy tax to pay said borrowed money or bonds and interest as the same become due," be amended so as to read as follows:

Sec. 4. That for the purpose of paying the interest on said borrowed money or bonds and the principal of the same as they become due, and the cost of the bonds and advertising the same for sale, and for no other purpose, the said commissioners are hereby authorized to levy a tax in addition to the levy now authorized by law, not to exceed one mill upon each dollar of the valuation of the taxable property within said county at their June session of the years 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, the same to be entered on the tax duplicate of said county and collected as other taxes are now collected, provided, that the said commissioners are further authorized to levy said additional tax at the June session of the years 1901, 1902, 1903 and 1904 for the purpose of meeting and paying $50,000 of bridge bonds of said county, maturing in 1903, 1904 and 1905.

SECTION 2. Said original section 4 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 22, 1900. 72L

[House Bill No. 529.]

AN ACT

To authorize the Farmersville village school district of Montgomery county, Ohio, to borrow money and issue bonds for certain purposes therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the school board of the Farmersville village school district of Montgomery county, Ohio, be and the same is hereby authorized to build and equip a new school building in said school district and to raise money to pay for same, not exceeding ten thousand ($10,000) dollars, in the aggregate in the manner hereinafter provided.

SECTION 2. The school board of said Farmersville village school district is hereby authorized to issue and sell the bonds of said village school district not exceeding in amount ten thousand ($10,000) dollars, which shall be used for the payment of the said building and equipment, and said bonds so to be issued, shall not be sold for less than the par value thereof and the proceeds of the sale of said bonds shall be applied to the purpose herein named.

SECTION 3. Said bonds as aforesaid authorized to be issued and sold shall be signed by the president of said Farmersville village school

district and countersigned by the clerk of said school district and may be issued in denominations of not less than fifty dollars nor more than five hundred dollars, bearing interest not exceeding five per cent. per annum, payable semi-annually. Said bonds shall mature annually, commencing at such date as said school board shall determine.

SECTION 4. In the payment of the principal and interest of said bonds as the same shall become due, the school board of said Farmersville village school district is hereby authorized and required to levy a tax on all the taxable property within the limits of said Farmersville village school district in such amounts as will meet, each year, the principal and interest then falling due upon such bonds, which levy shall be placed on the tax duplicate by the auditor of said Montgomery county, and collected as other taxes.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 23, 1900. 73L

[House Bill No. 475.]

AN ACT

To create two election precincts in Van Buren township, Montgomery county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Van Buren township in Montgomery county is hereby divided into two election precincts as follows: Van Buren township, precinct east—all of the township of Van Buren lying east of the following line, to wit: Beginning at a point in the south line of said township at the southeast corner of section 34, town 2, range 6, M. R's; thence north along the east line of sections 34, 35, 36, 31 and the southeast quarter of section 32 to the northeast corner of said southeast quarter of section 32; thence west along the north line of the southeast quarter of section 32 to the center of said section; thence north along the west line of the northeast quarter of section 32 to the north line of said township. Van Buren township, precinct west—all the remainder of said township and being the part thereof lying west of the above described line.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 23, 1900. 74L

[House Bill No. 714.]

AN ACT

To authorize the county commissioners of Williams county, Ohio, to transfer funds from the county infirmary fund and from the county ditch fund to the general county fund.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Williams county, Ohio, be and they are hereby authorized and empowered to transfer thirty hundred dollars ($3,000) from the county infirmary fund, and twenty hundred dollars ($2,000) from the county ditch fund to the general county fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 23, 1900. 75L

[House Bill No. 387.]

AN ACT

To amend section 5 of "An act to provide for competent and non-partisan library boards in cities of the second class second grade," passed March 21st, 1887, and amended April 7th, 1892 (vol. 89, Ohio laws, p. 229).

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5 of "An act to provide for competent and non-partisan library boards in cities of the second class, second grade," be and the same is amended so as to read as follows:

Sec. 5. The board of education of said city wherein a library board exists under the act to which this is amendatory, or shall hereafter be elected under this act, shall have the power, and it shall be the duty of such board of education to levy annually for such public library purposes a tax not exceeding four-tenths (4-10) of one mill on the dollar of the city valuation, to be called the library fund, which levy shall be certified by the board of education to the county auditor of the county in which said city is situate, within the time and in the manner fixed for the certifying of other levies made by said board of education; and [which levy shall be by said auditor placed on the tax duplicate of the county] and collected as other taxes. Such levy for library purposes shall not be a part of the general levy authorized to be made by such board of education for school purposes. The money realized from said levies and all moneys received or collected by the trustees for the library, shall be placed in the treasury of the county, subject to the order of the board of trustees of said library. Said funds shall be kept separate and apart from other funds and the treasurer shall be the custodian thereof, and no money shall be drawn therefrom except upon the requisition of the board of trustees of the library, certified by the president and

secretary of said board and directed to said county treasurer. Any part of said fund unexpended during any year shall remain to the credit of said library fund.

SECTION 2. That said original section 5, passed April 7th, 1892, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 23, 1900. 76L

[Senate Bill No. 80.]

AN ACT

To amend an act passed March 30, 1898, relating to the duties and compensation of certain county officers of Tuscarawas county, Ohio (vol. 93, O. L., 513).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the act passed March 30, 1898, relating to the duties and compensation of certain officers of Tuscarawas county, Ohio, vol. 93 O. L., 513, be amended so as to read as follows:

Sec. 1. That in Tuscarawas county the compensation of the officers thereof specified in this section, shall be by annual salary exclusively, except as otherwise provided in sections 7 and 10 of this act, as follows: The auditor, probate judge and the clerk of the court of common pleas, two thousand ($2,000) dollars each; the treasurer, nineteen hundred ($1,900) dollars; the sheriff, nineteen hundred ($1,900) dollars; the recorder, fifteen hundred ($1,500) dollars; the prosecuting attorney eleven hundred ($1,100) dollars; the coroner, two hundred and fifty ($250) dollars; each [county] commissioner, nine hundred ($900) dollars; each infirmary director, two hundred and twenty-five ($225) dollars; and neither of said officers shall receive nor agree to receive, directly or indirectly, any additional compensation from any source whatever for the performance or omission of any official duty; provided, however, that the auditor, probate judge, treasurer, sheriff, each county commissioner and each infirmary director, when necessary to go out of the county on official business, connected with their respective duties, may in addition to his salary, charge and receive his actual expenses, which expenses shall be paid by the county on the warrant of the auditor on first producing to the auditor an itemized account thereof [therefor], approved in writing by the prosecuting attorney; nor shall they receive any reward of any kind from any employe in his office, or other person in consideration of the appointment of such employe, nor any portion of the compensation of any of his employes, nor any money nor thing by way of gift or otherwise, from any officer, agent or employe of the county, or his commissioners, or from any other person; and no such employe shall pay or agree to pay, directly or indirectly, to the officer by whom he is employed, any reward for his appointment, nor receive from any person any fee or compensation, for his own use, or for the use of such officer,

for the performance or ommission of any official duty. The compensation of the deputies and other clerks and employes of said officers, except persons employed temporarily, as provided in the next section, shall be by annual salary exclusively, to be paid in monthly installments, and all such salaries shall be paid by the county in the manner hereinafter provided, but if any such officer be removed from office, or any such deputy, clerk or employe be dismissed from his position, his compensation shall cease at the time of such removal or dismissal.

Sec. 2. Each of said officers shall select the persons to be employed in his office, and designate the capacity in which they shall serve respectively, but the number of such employes and the compensation of each shall be determined by the county commissioners, but the county commissioners shall not authorize the employment of more persons by any officer, than are actually necessary for the proper execution of the duties of his office, with reasonable hours of service. In determining the number of employes for any office, the commissioners shall have in view the number employed therein the year preceding the passage of this act; and also the increase or diminution from time to time of the labor to be performed in such office; and in determining salaries thereof, they shall allow to one deputy in the offices of clerk of court of common pleas, probate judge, auditor and treasurer respectively, a salary of not more than eight hundred ($800) dollars, nor less than six hundred ($600) dollars, but no other deputy, clerk or employe in either of said offices shall be allowed more than five hundred ($500) dollars, and [in] the offices of recorder and sheriff, they shall allow the deputies a salary of not more than seven hundred ($700) [dollars] nor less than five hundred ($500) dollars, but no other clerk or employe in the last mentioned offices shall be allowed more than four hundred and eighty ($480) dollars, provided that the employment of clerks or other assistants temporarily in addition to the regular employes at a stipulated sum per day, may be authorized by the commissioners, when they are satisfied that the business of any such office so requires.

Sec. 3. The commissioners shall keep a record of the number of deputies and other clerks and employes allowed by each of said officers, and the compensation of each, and on the first business day of each month, each of said officers shall submit to the commissioners a pay-roll for the preceding month, which shall show the name and official title of such officer, the name of each person employed in his office for the month covered by the pay-roll, and the capacity in which he was employed, and also the salaries of the officer and employe respectively, the allowances per day of temporary clerks or assistants, if any such have been employed, and the amount due each. There shall be attached to such pay-roll, a statement sworn to by the officer, that the pay-roll is correct in every particular, and that he did not receive, directly or indirectly, any portion of the compensation shown thereby to be due any employe whose name is entered thereon. If the commissioners find upon examination that such pay-roll is correct, they shall endorse thereon their approval thereof, and [file] the same with the county auditor, who shall draw his warrant on the county treasurer in favor of the respective persons, whose names appear thereon, for the amount shown thereby to be due them respectively, and take their receipts therefor on the pay-roll on the right hand margin opposite their respective names in a space headed, "Received from the county auditor, a warrant for the amount shown hereon to be due me."

Sec. 4. All fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty, by the auditor, probate judge, clerk of the court of common pleas, treasurer, sheriff, recorder or prosecuting attorney, or by the sheriff as special master commissioner, or as receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in sections 7 and 10, and the total receipts thereof each calendar month by each of said officers, shall, except as otherwise provided in section 6, be paid by him to the county treasurer at the close of business on the last business day of each month, and be duly receipted and accounted for by the treasurer, and said officers shall keep full and accurate accounts in books provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, and by whom paid to him each day, and the amounts paid to the treasurer each month, and the amount due and unpaid, and also the name of each person or persons liable for any part of such as are due and unpaid and the amount due from each; provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court shall not be deemed to be earned or to have accrued within the meaning of this act until final judgment, except in habeas corpus and divorce cases.

Sec. 5. Each officer mentioned in section 1 shall, on the first business day of each month, file with the county commissioners a statement verified by his affidavit, showing the full receipts received by him daily, for the preceding month, and the total for the month from each of the sources specified in the preceding section; and also a statement verified as aforesaid showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each, and each statement, after the first, of the amounts due and unpaid, shall begin with the showing of the amount therefore reported due and unpaid, and what portion thereof has been paid during the month covered by the report, and on the day his term of office expires, he shall file with the commissioners like statements, showing such receipts daily, since his last statement, and such amounts due and unpaid up to that time.

Sec. 6. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with and observed, and all statements required by the preceding sections to be filed by them, shall be carefully preserved and shall be subject to public inspection during all official business hours, and the account books provided by section 3 shall be subject to like inspection, and shall remain in the respective offices where kept and at the expiration of the term of any officer named in section 7, shall be turned over to his successor in office.

Sec. 7. Each officer mentioned in section 4 shall exercise due vigilence in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall, where authorized by law, collect the same before, or at the time they are earned, but the county commissioners may, by order entered on their journal and certified to the treasurer, authorize the treasurer to omit, for thirty days, to enforce payment of penalties for the non-payment of taxes within the time limited by law, and the treasurer shall not be required to report to the commissioners in his statements required by section 5, the

percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlement with the auditor.

Sec. 8. The sheriff shall be allowed to retain for his own use, whatever money he may receive under any contract, with the county commissioners for keeping and providing for prisoners in the county jail, but in making such contract, the commissioners shall specify in general terms the manner in which such prisoner shall be kept and provided for, and shall see that the terms are fully complied with.

Sec. 9. Nothing in this act shall be construed to vest in any officer mentioned in section one, such fees, costs, percentages, penalties, allowances and other perquisites, as are unpaid at the end of their respective terms, but the same shall be the property of the county to be collected by their successors in office and applied as provided in this act, but fees, costs, percentages, penalties, allowances and other perquisites that accrue to said officers, prior to the taking effect of this act, shall not be affected thereby.

Sec. 10. All money paid to the county treasurer in pursuance of this act, shall be by him credited to the general fund of the county, and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

Sec. 11. All accounts of costs and fees due to any officer named in section 1 of this act, which remain unpaid for one year shall, by such officer be transferred to the prosecuting attorney for collection, who shall, on the first Monday in each month, pay over to the officer for whom the collection is made, all moneys which may have come into his hands. Such officer shall give the prosecuting attorney a receipt for the amount paid and enter a statement of such payment on the books of his office, and execution shall be issued on the precipe of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. The prosecuting attorney shall report to the officer from whom he may have received any such accounts, on the first Monday of each month, a statement of all accounts still in his hands uncollected. For such services the prosecuting attorney shall, in addition to the salary provided in section 1, receive a commission of ten percentum on all accounts so collected by him, and where the same is collected by the sheriff on execution, issued on the precipe of the prosecuting attorney, the sheriff, in addition to his salary provided in section 1, shall be allowed to retain a commission of five percentum of the amount actually paid to him on such execution; and all sums so received by the sheriff shall be paid by him to the prosecuting attorney, less ten percentum thereof, to be accounted for by the prosecuting attorney as herein provided.

Sec. 12. If any officer mentioned in section 1, wilfully fail, or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof, or wilfully makes any fraudulent showing in any statement thereby required of him, or in any account book or record provided for herein, he shall be fined in any sum not more than five thousand ($5,000) dollars, or be imprisoned in the penitentiary, not less than one year, nor more than five, or both. The penalties herein provided for against said officers shall be in addition to penalties provided for by existing statutes, and the fines imposed by this section shall be paid into the county treasury to the credit of the general fund of the county.

Sec. 13. The official bond required by law heretofore or hereafter

taken from any of said officers, shall be deemed to make the parties to the same liable for any violation on the part of the officers for whom they are sureties of any of the provisions of this act and for the faithful performance of all the duties required hereby.

Sec. 14. Any provisional statute in force, when this act takes effect, which conflicts with any provision of this act, shall to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to said county of Tuscarawas, but other provisions of statute so in force, relating to county officers and county affairs, shall not be affected by this act.

SECTION 2. That said original act passed March 30, 1898 (vol. 93, O. L., 513), relating to the duties and compensation of certain county officers of Tuscarawas county, Ohio, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed March 28, 1900. 77L

[House Bill No. 726.]

AN ACT

To provide for the financial relief of Butler county, Ohio, consequent upon an insufficiency of current revenues, to pay the expenses of the decennial appraisement and equalization of 1900, and to pay the outstanding indebtedness of said county.

WHEREAS, The current revenues of Butler county are insufficient to meet the expenses of appraising and equalizing its real estate in 1900, and to pay other outstanding indebtedness,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That for the purpose of providing for said extraordinary expenses, and of liquidating the indebtedness in and replenishing the county fund, the bridge fund, the infirmary fund, and the highway repair fund of Butler county, the commissioners of said county be, and they are hereby authorized to borrow a sum of money not exceeding seventy thousand dollars ($70,000) to be expended for the following purposes, to wit: First. To pay the cost and expense of appraising, equalizing and revising the valuation of the real property of said county, under the appraisement and equalization required by law to be made in the year 1900, a sum not exceeding eighteen thousand dollars ($18,000). Second. To balance and liquidate the indebtedness in, and to replenish the county fund, the bridge fund, the infirmary fund, and the highway repair fund of said county as such indebtedness may be on June 1st, 1900, a sum not exceeding fifty-two thousand dollars ($52,000).

SECTION 2. For the purpose of the preceding section, the commissioners of said county are hereby authorized and empowered to issue the bonds of said county, as they may be needed, in an amount not

exceeding seventy thousand dollars ($70,000) in denominations of not to exceed one thousand dollars ($1,000) each, and bearing interest at a rate not exceeding four per centum per annum, payable semi-annually. Said bonds to be due and payable in equal installments, maturing respectively in 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 years after date of issue, and said bonds shall not be sold at less than their par value, and any premium realized from the sale of any of said bonds shall be paid into "sinking fund A," as hereinafter to be designated. At the time an issue is ordered by the commissioners of said county, they shall designate by resolution the purpose of the loan, the amount for each purpose, and that none of the funds realized shall be used for any other purpose than so designated by the commissioners, and the proceeds arising from the sale of said bonds shall be distributed as follows: To the county fund the sum of eighteen thousand dollars ($18,000) to pay the cost and expense of appraising, equalizing and revising the valuation of real property of the county as required by [the] law in the year 1900, and the further sum of twelve thousand dollars ($12,000) to replenish the said county fund, and pay the indebtedness charged to said fund as it may exist on June 1st, 1900; to the bridge fund the sum of eighteen thousand dollars ($18,000); to the infirmary fund the sum of seventeen thousand five hundred dollars ($17,500); and to the highway repair fund the sum of four thousand five hundred dollars ($4,500), to replenish said funds and pay the indebtedness charged to said several funds as it may exist on June 1st, 1900.

SECTION 3. For the purpose of paying the interest on all outstanding bonds issued and sold under this act, and to redeem the said bonds as they respectively mature, the county auditor of Butler county, Ohio, is hereby ordered, directed and empowered at each semi-annual distribution of taxes to deduct and take out of the amounts due and payable to each of the said several funds replenished by the issue of the bonds as herein provided, such sum of money as is sufficient to pay such bonds and the interest thereon as may at said time be due and payable, which said sum so deducted shall not exceed at any one time the sum of five per centum of each of said funds, which amount shall be paid into what shall hereafter be known and designated as "sinking fund A," which is hereby created, and said several sums shall be used for the payment of the bonds and the interest thereon issued under the provisions of this act, and the same shall be so taken out and deducted until said bonds and interest are fully paid, and any surplus remaining at the expiration of such period shall be refunded and paid back into said several funds.

SECTION 4. No contract or agreement shall be entered into by, and no resolution or order for the payment of, or for the appropriation or expenditure of money shall be passed by the board of county commissioners or the board of infirmary directors of said Butler county, unless the auditor shall first certify that the money required to pay the expenditure, or appropriation, is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded, and the auditor of said county shall not issue any warrant upon the county treasurer unless there is money to the credit of the fund sufficient in amount to pay said warrant; and all contracts, agreements, resolutions and orders passed by the said board of county commissioners or board

of infirmary directors, or warrants drawn by the county auditor, contrary to the provisions of this section, shall be void as against the county, but shall be personally binding upon said county commissioners, board of infirmary directors, and county auditor; and they and their bondsmen shall be held for repayment of the same, and it shall be the duty of the prosecuting attorney to enforce the provisions hereof.

SECTION 5. When any contract involving the expenditure of money shall be hereafter made by the said board of county commissioners, or board of infirmary directors, the money needed to meet such contract shall thereupon be considered as appropriated out of the fund from which same is to be paid It is hereby made the duty of the prosecuting attorney to apply to a court of competent jurisdiction for an injunction to restrain the execution of any contract or payment of any money in contravention of this act.

SECTION 6. All acts, or parts of acts, in conflict with the provisions of this act, in so far as they are inconsistent with the provisions of this act, are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 78L

[House Bill No. 595.]

AN ACT

To establish a special school district in Benton township, Ottawa county, Ohio, to be known as the Graytown special district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That a special school district in the Township of Benton, county of Ottawa, and state of Ohio, to be known as the Graytown special school district, be and the same hereby is established in and of the following described territory, to wit: The south half of the southeast quarter of section seventeen (17); the east half of section twenty (20), all of section twenty-one (21); the north half and the southwest quarter of section twenty-eight (28); the east half of section twenty-nine (29); the east half of section thirty-two (32); and the west half of section thirty-three (33), in town number seven (7), range number fourteen (14), Benton township, Ottawa county, Ohio.

SECTION 2. All school property situated within said described territory shall be the property of said special school district, and the schoolhouse to remain on the present site in Graytown, Ohio. Said special school district shall be entitled to receive its proportionate share of the school funds levied for incidental expenses or contingent expenses in accordance with the enumeration of the year 1899 of children who are entitled to attend school, said funds being those now collected within

the county or township treasuries, and shall be governed by such laws as now are or may hereafter be in force relating to special school districts.

SECTION 3. The electors of said special school district shall elect three members of the board of education at the next general election, to wit, second Monday in April, 1900, one member for one year, one for two years and one for three years, who shall hold their office until their successors are duly elected and qualified.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 79L

[House Bill No. 717.]

AN ACT

To authorize and direct the board of trustees, "commissioners of water-works" of the city of Cincinnati to pay for work heretofore done and the materials heretofore delivered under contract No. 8 entered into by the city of Cincinnati through said board.

WHEREAS, On or about the 20th day of June, 1898, the board of trustees, "commissioners of water-works" of the city of Cincinnati duly adopted specifications, forms of contract, advertisement and proposals for the various work of grading, masonry and road-making on grounds it acquired for water-works purposes for the city of Cincinnati, near California, Ohio, for the grading of grounds, roads and river bank, revetment of slopes and excavation of clear well, in accordance with plans and specifications then on file in the office of the chief engineer of said board; and

WHEREAS, On the same day, said board of trustees, "commissioners of water-works," [duly] approved the approximate cost and estimate of quantities for said work; and

WHEREAS, Thereafter, said board of trustees, "commissioners of water-works," duly advertised for sealed proposals for doing the work and furnishing the materials required for said work; and

WHEREAS, Thereafter bids were duly received and opened for said work, and thereafter, on or about the 15th day of September, 1898, said board of trustees, "commissioners of water-works," awarded to the David Folz asphalt paving company, the contract for the doing of said work, they being the lowest and best bidder for the same; and

WHEREAS, Thereafter, on or about the 20th day of September, 1898, the city of Cincinnati, acting by its board of trustees, "commissioners of water-works," duly entered into a contract with said the David Folz asphalt paving company for the performance of said work and the furnishing of said materials, under contract known as "number 8;" and

WHEREAS, Afterward, on the order of said board and its chief engineer, said the David Folz asphalt paving company proceed to furnish said materials and to perform said work, and continued thereafter faithfully so to do, until the 19th day of November, 1898; and

WHEREAS, After the award of said contract, and after the David Folz asphalt paving company had entered upon the performance of said work, suit was brought in the superior court of Cincinnati to enjoin said work, in which action said the superior court of Cincinnati held said contract to be illegal, on the ground that the items of paving and rip-rapping the slopes and seeding and sodding the banks were advertised for in an alternative form; and

WHEREAS, Said board of trustees, "commissioners of water-works," had caused said advertisement to be in an alternative form, believing it to be the most economical way of having such work done, the exact quantity of paving and rip-rapping and seeding and sodding required it being then impossible to estimate; and

WHEREAS, After said decision, said the board of trustees, "commissioners of water-works," on the 19th day of November, 1898, notified said the David Folz asphalt paving company to stop said work, and terminated said contract with said company, against the consent of said company; and

WHEREAS, It is claimed that said board of trustees, "commissioners of water-works," are unable to pay for the work heretofore done and materials heretofore furnished under said contract, though honestly done, because of said decision in the superior court; and

WHEREAS, Said the David Folz asphalt paving company have brought suit to recover from said city of Cincinnati a large amount for damages for the breach of said contract, in which case it is claimed that said contract is a valid contract, notwithstanding said decision of said superior court, and in said suit said the David Folz asphalt paving company claim to recover not only for work done and materials furnished, for which they have not been paid, but which have been received by said city of Cincinnati and are beneficial to it and will not have to be duplicated, but also claim to recover for moneys expended in preparing to fulfill said contract, interest on amounts expended by them, costs incurred, etc.; and

WHEREAS, Said the David Folz asphalt paving company were not parties to said suit in said superior court of Cincinnati, wherein said contract was claimed to be illegal, and have not been paid the amount due them, and offer by way of compromise to receive from the city of Cincinnati the sum of $9,287,05 in full of claims made by them as aforesaid, which amount it is to the interests of said city should be paid; now therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of trustees, "commissioners of water-works" of the city of Cincinnati be, and it is hereby, authorized and directed to pay to said the David Folz asphalt paving company, the sum of $9,287.05 from the funds under its control, for the work heretofore done and materials heretofore furnished, and costs and expenses incurred for the performance of said contract No. 8, for the grading of grounds, roads and river bank, revetment of slopes, and excavation of clear well near the village of California, Ohio, the same to be in full of any and all claims of said the David Folz asphalt paving company under said contract, and any and all breaches thereof, and said board of trustees, "commissioners of water-works," and its officers, and all other proper officers of said city, are authorized and directed to issue, and cause to be issued, vouchers and warrants necessary to effect such payment.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 80L

[House Bill No. 818.]

AN ACT

To amend section 10 of an act passed March 21, 1900, entitled "An act to provide for the erection of a new court-house in Greene county, Ohio."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10 of an act passed March 21, 1900, entitled "An act to provide for the erection of a new court-house in Greene county, Ohio," be amended so as to read as follows:

Sec. 10. No member of said building commission or architect or superintendent shall directly or indirectly be pecuniarily interested in any contract for work to be done or material to be furnished in and about the erection, furnishing, heating, lighting, ventilating or for sewerage of said court-house, or in anything pertaining thereto, under penalty of not exceeding ten thousand dollars, nor less than two hundred dollars, to be recovered in a civil action in the name of the state of Ohio for the use of the county; and such member shall, moreover, forfeit any compensation he was to receive on such contract, anything to the contrary notwithstanding.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 81L

[House Bill No. 482.]

AN ACT

For the relief of Anna L. Edwards.

WHEREAS, Anna L. Edwards was employed by the board of education of South Charleston, in Madison township, Clark county, Ohio, to teach a term of school in said district in the year of 1899, and on her part fully executed her contract with said board of education, and taught a satisfactory school; and

WHEREAS, She is unable to demand and receive a balance of $59.37 due her for her said services, by reason of the fact that she had no certificate to teach during the time covered by said unpaid balance; now therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the clerk of the board of education of the said village school district of South Charleston, in Madison township, Clark county, Ohio, is hereby authorized and directed to draw his order as such clerk on the treasurer of said board of education in favor of said Anna L. Edwards, for the sum of fifty-nine and thirty-seven hundredths dollars ($59.37), and said treasurer shall pay said order so drawn out of the funds belonging to the schools of said district and applicable to the payment of teachers.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 82L

[House Bill No. 357.]

AN ACT

To authorize the board of education of Weathersfield township, Trumbull county, Ohio, to transfer certain funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Weathersfield township, Trumbull county, Ohio, be and hereby is authorized to transfer $500 from the tuition fund to the school-house contingent fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 83L

[House Bill No. 506.]

AN ACT

To amend an act passed February 13, 1891 (88 O. L., 644), entitled "An act to increase the pay of real estate assessors and their assistants in the county of Cuyahoga, and state of Ohio."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to increase the pay of real estate assessors and their assistants in the county of Cuyahoga, and state of Ohio," passed February 13, 1891 (88 O. L., 644), be and the same is hereby amended so as to read as follows:

Sec. 1. That the county commissioners of Cuyahoga county, state of Ohio, be and are hereby authorized and directed to pay the decennial assessors of real estate and each of their assistants the sum of

$3.00 for each day necessarily employed in the performance of their duties, in addition to the amount allowed by law, to be paid out of the county treasury, after the same has been allowed by the county commissioners.

SECTION 2. That said act passed February 13, 1891 (88 O. L., 644), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 84L

[House Bill No. 70.]

AN ACT

Relative to the duties and compensation of certain county officers of Fulton county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Fulton county the compensation of the officers thereof, specified in this section who shall be hereafter elected to office, shall be by annual salary exclusively, to be paid in monthly installments as follows: The auditor, two thousand dollars; the treasurer, eighteen hundred dollars; the probate judge, eighteen hundred dollars; the recorder, twelve hundred dollars; the prosecuting attorney, six hundred dollars; the infirmary directors, one hundred and seventy-five dollars each; and neither of them shall receive or agree to receive, directly or indirectly, any additional compensation from any source whatever, for the performance or omission of any official duty, nor a reward of any kind from any employe in his office, or other person in consideration of the appointment of any such employe, nor any portion of the compensation of his employes, nor any money or thing by way of gift or otherwise, from any officer, agent or employe of the county or its commissioners, or from any other person; and no such person shall pay or agree to pay, directly or indirectly, to the officer by whom he is employed any reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer, for the performance or omission of any official duty, but the prosecuting attorney and infirmary directors shall be reimbursed out of the county treasury for actual expenses incurred while out of the county on official business.

SECTION 2. On the first business day of each month each of said officers shall submit to the commissioners a pay-roll for the preceding month, which shall show the name and official title of such officer, and the amount due to each. There shall be attached to such pay-roll a statement sworn to by the officer that the pay-roll is correct in every particular. If the commissioners find upon examination that such pay-roll is correct, they shall endorse thereon their approval thereof and file the same with the county treasurer in favor of the respective persons whose names appear thereon for the amount shown thereby to be due them respectively and take their receipts therefor on the pay-roll on the

right hand margin opposite their respective names in a space headed "Received from the county auditor a warrant for the amount shown hereon to be due me."

SECTION 3. All fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by any officer mentioned in section one, shall when collected be for the sole use fo the county, and the total receipts thereof shall be paid by him in the county treasurer on Monday of each week, and be duly accounted for by the treasurer, and said officer shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, and from whom the amounts paid to him each day, and by whom the amounts paid to the county treasurer each day and the amount due and unpaid, and also, the name of each person or party liable for any part of such as are due and unpaid and the amount due from each; provided, that such fees, costs, percentages, allowances and other perquisites in cases pending in court shall not be deemed to be earned, or to have accrued within the meaning of this act until final judgment; except in habeas corpus and divorce cases.

SECTION 4. Each officer mentioned in section 1 shall on the first business day of each month, file with the county commissioners a statement verified by his affidavit, showing the full receipts daily by him for the preceding month, and the total for the month from each of the sources specified in the preceding section, and also, a statement verified as aforesaid showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites, accrued to his office and not paid to him and the name of each person or party liable for any part thereof and the amount due from each; and each statement after the first, of amounts due and unpaid, shall begin with a showing of the amount theretofore reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires he shall file with the commissioners like statements showing such receipts daily since his last statement, and such amounts due and unpaid up [to] that time.

SECTION 5. All statements required by the preceding sections to be filed with the commissioners shall be carefully preserved by them and shall be subject to public inspection during all official business hours; and the account books provided for by section 3 shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer mentioned in section 1 shall be turned over to his successor in office.

SECTION 6. Each officer mentioned in section 1 shall exercise due diligence in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal and certified to the treasurer, authorize the treasurer to omit for thiryt days to enforce payment of penalties for the non-payment of taxes within the time limited by law and the treasurer shall not be required to report to the commissioners in his statements required by section 4 the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 7. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with and they may employ an expert accountant, whenever and for such time as they may deem necessary and at such compensation as they deem judicious, to ascertain by examination whether the books and accounts of the offices mentioned in section 1 are legally and correctly kept and whether the statements they are required by this act to make to the commissioners are correct; and such accountant shall report to the commissioners the result of such examination, which report they shall preserve in their office. If it appear by any such report that any such book or account or any such statement is false or fraudulent in any respect, they shall make a thorough investigation of the matter and may, if they deem it necessary or expedient, subpoena witnesses and examine them under oath; and they shall have the same power as justices of the peace to compel the attendance of witnesses. The cost of any such investigation shall be paid from the general fund of the county, on the warrant of the county auditor, when duly certified to him by the county commissioners.

SECTION 8. Nothing in this act shall be construed to vest in any officer mentioned in section one, such fees, costs, percentages, penalties, allowances, or other perquisites as are unpaid at the end of their respective official terms, but the same shall be the property of the county to be collected by their successors in office and applied as provided in this act; but fees, costs, percentages, penalties, allowances and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected hereby.

SECTION 9. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county, and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 10. A detailed statement of all accounts of costs and fees due to any of the officers named in section 1 of this act, which remain unpaid for the period of one year, shall by such officer be made and delivered to the prosecuting attorney of the state for collection, who shall, on the first Monday in each month, pay over to the officer for whom the collection is made, all moneys which may have come into his hands. Such officer shall give the prosecuting attorney a receipt for the amount so paid over and enter a statement of such payment on the books of his office; and execution shall issue upon the precipe of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection.

SECTION 11. If any officer mentioned in section one wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof or wilfully makes any fraudulent showing in any statement thereby required of him, or in any account book provided for herein, he shall be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one nor more than five years, or both; and if any deputy, clerk or employe wilfully violates any provision in this act, he shall be fined not more than five hundred dollars, or be imprisoned in the county jail not less than three months, nor more than one year, or both. The aforesaid penalties against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section

shall be paid into the county treasury, to the credit of the general fund of the county.

SECTION 12. The official bond required by law heretofore or hereafter taken from any of said officers shall be deemed to make the parties to the same liable for any violation on the part of the officer for whom they are sureties, of any of the provisions of this act, and for the faithful performance of all the duties required thereby, but upon the taking effect of this act the county commissioners may, in their discretion, require from any or all the officers mentioned in section one hereof, a new and additional official bond, with sufficient sureties, to be conditioned that such officers shall discharge the duties of their respective offices according to law.

SECTION 13. Any provision of statute in force when this act takes effect, which conflicts with any provision of this act, shall to the extent that it is inconsistent with this act, and not otherwise, be held to be superseded by this act, as to the county described herein; but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 14. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 85L

[House Bill No. 693.]

AN ACT

To create an additional election precinct in Northfield township, Summit county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an additional election precinct, to be known as the Macedonia precinct, be and is hereby created from territory in Northfield township, Summit county, Ohio, as follows: Beginning at the county line on the north at the west line of lot 21; thence south to lot line 23; thence west to the west lot line of lot 33; thence south to the south line of lot 36; thence east to the west line of lot 27; thence south to the south line of lot 28; thence east on south line of lots 28, 18 and 8 to township line of Northfield and Twinsburg townships; thence north to the county line; thence west to the place of beginning.

SECTION 2. The voting place of said additional precinct shall be at Macedonia village.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 86L

[House Bill No. 509.]

AN ACT

Fixing the compensation of assessors in Franklin county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That each assessor of personal property for taxation in the county of Franklin shall be paid out of the county treasury three dollars per day for the time during which he is necessarily engaged in the performance of his duties; and he shall make out his account in detail, giving the date of each day on which he was thus engaged, and verify the same by oath, which the county auditor is authorized to administer; and if the auditor is satisfied that such account is correct, he shall draw his warrant on the county treasury for the amount thereof; but in no case shall such warrant be drawn until the assessor has filed with the auditor his list of assessments, accurately made out, and the statements returned to him, and the books on which the original assessments were made; nor until the assessor has filed with the auditor the statistics and enumeration required of him by law, and the auditor is satisfied that the same are as full and accurate as could be made.

SECTION 2. That section 1535 and 2795 of the Revised Statutes so far as they apply to the county of Franklin are hereby repealed.

SECTION 3. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 87L

[House Bill No. 392.]

AN ACT

To authorize the sale of a canal basin in the city of Massillon.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That authority be and hereby is granted to the governor, attorney-general and canal commission to sell the canal basin situate on the west side of the Ohio canal, between Main and Plum streets, in the city of Massillon, Stark county, Ohio, at an appraisement to be made by said commission. Provided, that each lessee of the three pieces of land in the south end of said basin, and now under existing leases from the state of Ohio, shall have the right to purchase the land described in his lease at the valuation entered therein. Provided, further, that when the amount for which any one of said three pieces of land has been paid into the state treasury, the governor shall make a deed conveying the same to the lessee, and the board of public works shall then cancel and annul said lease.

SECTION 2. That a strip of land across said basin about thirty feet wide, the south line of which is one hundred and twenty feet north of and parallel to the north line of Main street, and extending easterly from a

point forty feet east of the east line of Clay street, to a point in the outer line of the towing path embankment of the Ohio canal, the same being an extension eastward of the alley lying between lots 37 and 38, as shown on the plat of said city of Massillon, is hereby dedicated to the use of the public for street and alley purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 88L

[Senate Bill No. 178.]

AN ACT

To amend an act incorporating the Chillicothe female seminary, passed February 21, 1833 (Ohio local laws, vol. 31, p. 188), and also the act amendatory thereof, changing the name to that of the Chillicothe female college, passed January 29, 1851 (Ohio local laws, vol. 9, p. 7).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section seventh (7) of the act entitled "An act to incorporate the Chillicothe female seminary," passed February 21, 1833, be so amended as to read as follows:

Sec. 7. That the property and funds of the said corporation shall be used to promote female education; but if at any time, from circumstances over which said trustees have no control, it shall become impracticable for said trustees, in their best judgment, to use said property and funds for that sole purpose, they shall be free to dispose of said property and funds, by direct conveyance, in the general interests of education in Chillicothe, including provisions for a public library building, or to sell and convey said property, and dispose of the proceeds of sale in the same general interests, including such library building, under the powers of the board of education of the city of Chillicothe, or otherwise, as to them may seem best in the general interests of education in Chillicothe, under the circumstances that may exist at the time they may be called upon to act, with full power to adjust and settle any controversies that may at any time arise, touching said property or funds, or any part thereof. And the legislature shall have at all times power to alter, amend or repeal this act, not thereby affecting the rights of property of the individual members thereof.

SECTION 2. This act shall apply to and govern said trustees under the act entitled "An act to amend an act entitled an act to incorporate the Chillicothe female seminary," passed February 21, 1833, passed January 29, 1851 (Ohio local laws, vol. 49, p. 7), by which the name of said corporation was changed to that of "the Chillicothe female college," and certain additional powers granted. And said last named act is hereby amended and the powers of the trustees under it enlarged accordingly.

SECTION 3. That said original section seven be and the same is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 89L

[Senate Bill No. 199.]

AN ACT

To authorize the board of education of certain villages, or cities, to increase the levy for the maintainance of schools.

[NILES.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of any village or city, having at the last federal census, not less than four thousand two hundred and eighty (4,280) and not more than four thousand three hundred (4,300) inhabitants, is hereby authorized to levy a tax for the years 1900 and 1901 on all the taxable property within said school district, not exceeding two (2) mills on the dollar, for each year, in addition to the levy now authorized by law, for the purpose of supporting and continuing the schools in said school district, the same to be collected as other taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed March 29, 1900. 90L

[House Bill No. 115.]

AN ACT

To reënact amended and supplemented section 3 of an act passed April 16th, 1892 (O. L., vol. 89, pp. 656 and 657), as amended March 29th, 1894 (O. L., vol. 91, pp. 584 and 585), entitled "An act to create the township of Pitt, in the county of Wyandot, state of Ohio, a separate road district for macadamizing, and to improve the roads and highways in said township, and to authorize the trustees to levy and assess a tax for said improvements."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act amendatory of and supplementary to section 3 of an act passed April 16th, 1892 (O. L., vol. 89, pp. 656 and 657), as amended March 29, 1894 (O. L., vol. 91, pp. 584 and 585), entitled "An act to create the township of Pitt, in the county of Wyandot, state of Ohio, a separate road district for macadamizing, and to improve the roads and assess a tax for said improvements," be reënacted and supplemented as follows:

Sec. 3. For the purpose of macadamizing and improving the roads in said township, the trustees are authorized to levy and assess upon all the taxable property in said township not more than two mills on the dollar, in addition to that authorized by law, for a period of five years, which shall be paid in money and collected as other taxes, and the money so collected shall be under the control of the trustees of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900. 91L

[House Bill No. 421.]

AN ACT

To create a judicial court fund in Mercer county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Mercer county are hereby authorized to levy not to exceed one mill on the dollar on the taxable property of said county, for the purpose of creating a judicial and court fund.

SECTION 2. Said fund shall be expended as follows: The judicial or court fund shall be expended for the payment of all court expenses and all the expenses of the various courts of the county that are now paid out of the general fund of the county, and in case at any time said fund should become inadequate by reason of some extraordinary expense, then the general fund of the county shall be drawn upon for payment of such expenses.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900. 92L

[House Bill No. 582.]

AN ACT

To authorize and require the trustees of Hale township, Hardin county, Ohio, to issue bonds and levy a tax to pay the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Hale township, Hardin county, Ohio, are hereby authorized to issue the bonds of the west precinct of said

township exclusive of the incorporated village of West Ridgeway, in any sum not to exceed three thousand dollars, bearing interest at a rate not to exceed six per cent per annum, payable annually, to be sold at not less than their par value, in denominations of not less than fifty dollars each; provided, that before said bonds shall be issued, the question of issuing bonds for the purpose of constructing, in conjunction with the incorporated village of West Ridgeway, a town hall to be situated in said village, shall be submitted to the qualified electors of the west precinct of Hale township, exclusive of the incorporated village of West Ridgeway, at a general or special election, as the township trustees of Hale township, Hardin county, may determine. At such election those in favor of the issue of bonds shall have written or printed on their ballots the words, "Town hall bonds—Yes." Those opposed to the issue of bonds shall have written or printed on their ballots the words, "Town hall bonds—No." The poll books for such election shall be provided by the township clerk of Hale township and the returns shall be made to him. In case a majority of those voting at such general election shall vote in favor of the issue of bonds, then said township trustees of Hale township are authorized to issue the bonds of the west precinct of such township, as hereinbefore specified, and not otherwise.

SECTION 2. The proceeds arising from the sale of said bonds shall be used by the township trustees of Hale township in conjunction with the village council of West Ridgeway for the purpose of securing a site in said village and erecting and maintaining thereon a town hall, to be owned jointly by the village of West Ridgeway and the west precinct of Hale township and to be controlled by the village council of West Ridgeway and the township trustees of Hale township and their successors in office, respectively.

SECTION 3. The trustees of said township are further authorized and required to cause to be levied upon all the taxable property within said west precinct of Hale township, exclusive of the incorporated village of West Ridgeway, a sufficient amount each and every year for five years to pay said bonds with the interest thereon, in addition to the levy now authorized by law, as the same may become due, and to cause said tax to be collected according to law.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900. 93L

[House Bill No. 628.]

AN ACT

To authorize the county commissioners of Clinton county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of the county of Clinton, and state of Ohio, be and are hereby authorized to transfer

twenty-six thousand dollars ($26,000) from the county building fund of said county to the general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900. 94L

[House Bill No. 621.]

AN ACT

To authorize the trustees of Youngstown township, Mahoning county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Youngstown township, Mahoning county, Ohio, be and they are hereby authorized to transfer thirty-five hundred dollars ($3,500) from the cemetery fund to the general fund of said township of Youngstown and thirty-five hundred dollars ($3,500) from the cemetery fund to the justice of the peace fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900. 95L

[House Bill No. 581.]

AN ACT

To authorize the council of the incorporated village of West Ridgeway, Hardin and Logan counties, Ohio, to issue bonds and levy a tax to pay the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the village council of the incorporated village of West Ridgeway, Hardin and Logan counties, Ohio, is hereby authorized to issue the bonds of said village in any sum not to exceed three thousand dollars, bearing interest at a rate not to exceed six per centum per annum, payable annually, to be sold at not less than their par value, in denominations of not less than fifty dollars; provided, that before said bonds shall be issued the question of issuing bonds for the purpose of constructing, in conjunction with the west precinct of Hale township, exclusive of the incorporated village of West Ridgeway, a town hall, to be situated in said village of West Ridgeway, shall be submitted to the qualified electors of West Ridgeway, at a general or special election, as the village council of said village may determine. At such

election those in favor of the issue of bonds shall have written or printed on their ballots the words, "Town hall bonds—Yes." Those opposed to the issue of bonds shall have written or printed on their ballots the words, "Town hall bonds—No." The poll books for such elections shall be provided by the clerk of the said village of West Ridgeway and the returns shall be made to him; in case a majority of those voting at said general or special election shall vote in favor of the issue of bonds, then the village council of said village is authorized to issue the bonds of the incorporated village of West Ridgeway in Hardin and Logan counties, Ohio, as hereinbefore specified and not otherwise.

SECTION 2. The proceeds from the sale of said bonds shall be used by the council of said village of West Ridgeway, in conjunction with the township trustees of Hale township, for the purpose of securing a site in said village and erecting and maintaining thereon a town hall to be owned jointly by the village of West Ridgeway and the west precinct of Hale township, to be controlled by the village council of said village and the township trustees of said township and their successors in office, respectively.

SECTION 3. The village council [of said village] of West Ridgeway is further authorized and required to cause to be levied upon all the taxable property within said incorporated village, a sufficient amount each and every year for five years, to pay said bonds with interest thereon, in addition to the levy now authorized by law, as the same may become due and to cause the said taxes to be collected according to law.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900. 96L

[House Bill No. 391.]

AN ACT

To authorize the council of the city of Canton, Stark county, Ohio, to issue bonds for the purpose of constructing a storm-water sewer in said city.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the city of Canton, in Stark county, Ohio, be and is hereby authorized to issue bonds of said city in any sum or sums not exceeding seventy-five thousand ($75,000) [dollars] bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually for the purpose of providing funds to defray the expense of constructing a storm-water sewer along the line of what is known as Shriver's run in said city, or as near thereto as practicable; provided, however, that no bonds shall be issued or tax levied under the provisions of this act until the question of issuing said bonds shall have been submitted to the qualified electors of said city at an election to be held at such time after the passage of this act as the city council may determine; and ten days' notice of such election and submission shall

be given by the mayor of said city in two or more newspapers published therein, stating the amount of bonds to be issued, the purpose for which they are to be issued and the time and place of holding said election; and if a majority of the electors voting at such election upon the question of issuing said bonds vote in favor thereof, then the said bonds may be issued and the said tax levied.

SECTION 2. Those voting in favor of the said proposition shall have written or printed on their ballots the words, "For the issue of storm water sewer bonds—Yes;" and those voting against the same the words, "For the issue of storm water sewer bonds—No."

SECTION 3. The principal of said bonds shall be payable at such place and at such times, not exceeding twenty (20) years from the date of issue, as the council of said city may by ordinance determine, and the denomination of said bonds shall be one thousand ($1,000) dollars each; and the said council is hereby authorized to levy a tax on all the taxable property of said city to pay said bonds and interest, but such tax shall not exceed six-tenths (6-10) of one mill on the dollar in any one year.

SECTION 4. Said bonds, when issued, shall be signed by the mayor and clerk of said city and a record thereof shall be kept by the clerk giving the number, date and amount of each bond and they shall not be sold for less than their par value.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900. 97L

[House Bill No. 538.]

AN ACT

To authorize the board of education of Batesville special school district of Batesville, Noble county, Ohio, to issue bonds and to levy a tax for the same to purchase site and to erect and furnish school building thereon.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Batesville special school district, of Noble county, Ohio. be and it is hereby authorized and empowered to issue the bonds of the said special school district in such amounts as it may determine not to exceed the sum of four thousand dollars ($4,000) in the aggregate bearing interest at any rate not exceeding six per cent. per annum, payable semi-annually, said bonds to be made payable at a period not less than two years nor more than twelve years from the date of their issue, at the pleasure of said board.

SECTION 2. Said bonds shall be signed by the president of said board and attested by its secretary, who shall register the same, and said bonds shall be negotiable and be sold at such times and in such amounts as the said board may deem best, at public or private sale, at not less [than] their par value.

SECTION 3. Said board of education is hereby authorized whenever it shall in its opinion, be necessary to levy a tax to pay said bonds or the interest thereon, and shall certify such levy to the auditor of Noble county, Ohio, and said auditor shall cause any sum so certified by said board to be levied upon all the taxable property of said special school district and the same shall be collected as other taxes, and paid into the treasury of said board in like manner.

SECTION 4. The amount arising from the sale of said bonds shall constitute and be a building fund, and shall be used and applied only for the purchase of site for school grounds and to erect and furnish school buildings thereon, or on the grounds now owned by said board; and all moneys realized from the levy of taxes herein authorized shall be applied to the payment of the bonds aforesaid and the interest thereon.

SECTION 5. Provided, That before the purchasing of a site and the contracting for the erection of such school building and the issuing of the bonds aforesaid, the said board of education of Batesville special school district of Noble county, Ohio, shall submit the proposition of issuing said bonds to the qualified electors of said special school district at a general or special election to be held in said special school district in the year 1900. Said election shall be held at the usual place of holding elections in said special school district and notice thereof shall be given by the posting of notices in at least five public places within said special school district for at least ten days prior to the holding of said election. Those in favor of the issuing of said bonds and the levying of the additional tax as herein provided, shall have written or printed on their ballots, "The issuing of bonds for purchasing site and erecting school building—Yes." Those opposed to the purchasing of site and erecting school building and the issuing of said bonds and levying such additional tax, shall have written or printed on their ballots, "The issuing of bonds for purchasing site and erecting school building—No." Said ballots shall be provided by the board of education of said special school district and the expense thereof shall be paid by said board of education. The returns and poll-books shall be made to the secretary or clerk of the board of education of said special school district, who shall present the same to said board at a regular or called meeting of said board of education, and the result of such election shall be entered upon the record kept by said clerk. And if it appear that a majority of the ballots cast at such election are in favor of the purchasing of such site and erection of a school building thereon and the issuing of bonds and the levying of an additional tax as aforesaid, then said board of education shall carry out the purpose and provision of this act.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900. 98L

[House Bill No. 491.]

AN ACT

Relating to the compensation of justices of the peace in Youngstown township, Mahoning county, Ohio, and to repeal an act passed April 25, 1898 (O. L., vol. 93, pp. 711 and 712).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Youngstown township, Mahoning county, Ohio, each justice of the peace for all services rendered by reason of his office shall receive in lieu of all fees a salary of $1,200, and not exceeding $150 for office rent per annum, payable on order of the trustees out of township fund known as the justice of the peace fund, in monthly payments, on the approval of their monthly report, as hereinafter provided, together with such suitable office furniture as the trustees of such township may provide, not exceeding in value $200; the said furniture when so provided to be and remain the property of the said township, and to be turned over by each out-going justice of the peace to his successor in office. He shall also be provided by such trustees with all necessary blanks and stationery, with fuel and light for the office, and with one telephone; the cost and expense of which is to be paid for on order of the trustees out of the said justice of the peace fund. The trustees of said township may also provide each justice of the peace with a clerk at a salary of not to exceed twenty-five dollars per month, to be paid monthly on order of said trustees out of said justice of the peace fund. The duties of the clerk shall be prescribed by said trustees, in accordance with the provision of this act, a written statement of which shall be filed in the township treasurer's office and also in each justice of the peace's office. Each clerk before entering upon the discharge of his duties shall take the oath of office required by law. The clerk, after being duly qualified, is hereby authorized to adminster oaths, in accordance with law, in matters pertaining to the business before said justice of the peace courts. Each justice of the peace shall keep his office open and devote his time to the duties thereof from 8 o'clock a. m. until 11:30 o'clock a. m., and from 1:00 o'clock p. m. until 4:30 p. m. And hereafter there shall be not more than two justices of the peace of said township. For the purpose of providing the necessary funds to pay said salary and other expenses named, the trustees of said township are hereby authorized and required to levy annually as may be necessary not to exceed 1-4 of a mill on the dollar on all taxable property of said township of Youngstown, including the city of Youngstown in said county of Mahoning and State of Ohio, and when collected as other taxes shall be paid over to said township treasurer and by him credited to the justice of the peace fund. If the fees collected by said justice of the peace, or the treasurer of said township as hereinafter provided, and paid into said "justice of the peace fund," are not sufficient to pay said justice of the peace salaries and other expenses, as above provided. until such a time as levy and assessment can be made and monthly paid into said fund, said salaries and other expenses may be paid out of the general fund of the township, or said trustees may borrow a sufficient amount of money and place in said "justice of the peace fund," to pay said salaries and meet such expenses until said levy and assessment has been made, and money has been paid into said "justice of the peace fund;" at which time said money borrowed or money taken from said general fund is to be returned.

SECTION 2. It shall be the duty of each justice of the peace described in first section of this act to charge and collect the fees as provided in sections 615 and 621 of the Revised Statutes of Ohio, to keep a complete record of them and to make and return under oath to the treasurer of said township between the first an dtenth day of each month, a statement and an account of all fees from whatever source received by him by virtue of his office, except constable and witness fees, for the month immediately preceding, and pay over the same to said treasurer, and said monthly report shall contain a statement of all the justice's costs not paid that have been taxed in each case, separately showing the plaintiff's and defendant's costs, including witness fees for plaintiff and defendant, and against whom said judgment was rendered; said witness fees in all cases when collected are to be left with the justice of the peace for distribution. In all cases where a summons or warrant is issued, the same must be entered on the docket and a proper record kept. The township trustees shall not issue their order for the payment of the salary provided in section one herein, unless the said statement of the justice of the peace in writing, has been made to the treasurer, as above provided, and the same has been approved by said treasurer.

SECTION 3. It is hereby made the duty of said township treasurer to proceed at once to collect or cause to be collected all the fees returned by said justice of the peace as due and unpaid, and upon application of said treasurer the justice of the peace shall issue execution for same; the treasurer is authorized to retain ten per centum of the amount he collects for his services, and shall account for the remainder as other funds coming into his hands as treasurer.

SECTION 4. The township trustees of said township shall cause the accounts and transactions of each justice of the peace to be examined carefully, at least twice a year, and are authorized to take such possession of the books, dockets and papers and to employ such aid as may be necessary for making the examination.

SECTION 5. Said act passed April 25, 1898, is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900.

99L

[House Bill No. 367.]

AN ACT

Relative to the duties and compensation of certain county officers of Knox county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Knox county the compensation of the following named officers, elected after the taking effect of this act, shall be by annual salary exclusively, except as otherwise provided in sections 7 and 11 of this act. The probate judge, twenty-one hundred [dollars] ($2,100); county auditor, twenty-two hundred dollars ($2,200); county treasurer,

twenty-two hundred and fifty dollars ($2,250); sheriff, twenty-six hundred and fifty dollars ($2,650); clerk of the courts, seventeen hundred dollars ($1,700); county recorder, eighteen hundred dollars ($1,800); prosecuting attorney, nine hundred dollars ($900); which amounts shall include all clerk or deputy hire of such officials, and neither of said officers shall receive, nor agree to receive, directly or indirectly, any additional compensation from any source whatever for the performance or omission of any official duty; except that the auditor, treasurer and sheriff shall, when necessary to go out of the county on official business connected with their respective duties, in addition to his salary, charge and receive his actual expenses of transportation to and from county seat, and no more, which expenses shall be paid by the county on the warrant of the auditor, on first producing to the auditor an itemized account therefor, approved in writing by the commissioners and prosecuting attorney. All such salaries shall be paid by the county in equal monthly installments out of the county treasury, on the warrant of the auditor; but if any such officer shall die, resign, or be removed from office, the compensation shall cease at the time of his death, resignation or removal. Provided such probate judge, sheriff, clerk of courts, county recorder, has turned into the county treasury, fees, costs, percentages, penalties, allowances and other perquisites to which he may be entitled from the county, or which he may have collected, in a sufficient amount to equal the total amount of his monthly allowance or salary.

SECTION 2. If there shall be any balance of salary due and unpaid to any such officer, at the time of making any monthly report or at the last return at the close of his term of office and there be not a sufficient amount of fees, costs, percentages, penalties, allowances, perquisites or other official incomes collected by such officer remaining in the county treasury, at such time to pay such balance, it shall be paid to him out of the fees, costs, percentages, penalties, allowances, and other perquisites earned by him during his term of office and afterwards collected by said officer or his successor.

SECTION 3. All fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by the probate judge, auditor, treasurer, sheriff, clerk of courts, recorder or prosecuting attorney, or by the sheriff, as a special master commissioner, or as a receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in sections 7 and 11, and the total receipts thereof each calendar month by each of said officers, shall, except as otherwise provided in section 11, be paid by him to the county treasurer at the close of business day of each month, and be duly receipted and accounted for by the treasurer and said officer shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, and by whom paid to him each day and the amounts paid to the treasurer each month and the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or have accrued within the meaning of this act, until final judgment, except in habeas corpus and divorce cases.

SECTION 4. Each officer mentioned in section 3, shall on the first day of each month, file with the county commissioners, a statement verified by his affidavit, showing the full receipts daily by him for the preceding month (and the total for the month) from each of the officers specified in the preceding section, and also a statement verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each; and each statement after the first, of the amounts due and unpaid, shall begin with the showing of the amount heretofore reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires, he shall file with the commissioners like statements, showing the receipts daily since his last statements, and such amounts due and unpaid up to that time.

SECTION 5. All statements required by the preceding sections to be filed with the commissioners, shall be carefully preserved by them and shall be subject to public inspection during all official business hours; and the account books provided by section 2 shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer mentioned in section one shall be turned over to his successor in office.

SECTION 6. Each officer mentioned in section 3 shall exercise due vigilance in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall, when authorized by law, collect the same before or at the time they are earned; but the county commissioners may by order enter upon their journal and certified to the treasurer, authorize the treasurer to omit for thirty days to enforce payment of penalties for the non-payment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section 3 the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 7. The probate judge shall be entitled to receive the fees now allowed by law for issuing a marriage license, and filing and recording the certificate of marriage; and the auditor shall be entitled to receive the fees authorized by law for the transfer of real estate and the additional sum of five hundred dollars ($500) the year of the decennial appraisement of real estate to be paid on the allowance of the county commissioners on the first Monday of September of said year; the prosecuting attorney shall be entitled to receive the fees now authorized by law from the collection of fines and costs in criminal cases and on forfeited recognizances; and that the sheriff shall be allowed to retain for his own use whatever money he shall receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms the manner in which such prisoners shall be kept, and provided for, and shall see that the terms are fully complied with.

SECTION 8. Nothing in this act shall be construed to vest in any officer mentioned in section one such fees, costs, percentages, penalties, allowances and other perquisites as are unpaid at the end of their respective terms, except as provided in sections 7 and 11, but

the same shall be the property of the county to be collected by their successors in office, and applied as provided in this act; but fees, costs, percentages, penalties, allowances and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected thereby.

SECTION 9. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county, and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 10. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with, and they may employ an expert accountant whenever and for such time they may deem necessary, at a compensation not to exceed five dollars per day, to ascertain by examination whether the books and accounts of the officers mentioned in section 1 are legally and correctly kept, and whether the statements they are required to make to the commissioners are correct; and such accountant shall report to the commissioners the result of such examination, which report they shall preserve in their office. If it appear by any such report that any such book or account, or any such statement is false or fraudulent in any respect, they shall make a thorough investigation of the matter, and may, if they deem it necessary or expedient, subpoena witnesses and examine them under oath, and they shall have the same power as justices of the peace to compel the attendance of witnesses. The costs of any such investigation shall be paid from the general fund of the county, on the warrant of the auditor, when duly certified to him by the county commissioners.

SECTION 11. A detailed statement of all accounts, costs and fees due to any of the officers named in section 1 of this act, which remain unpaid for the period of one year, shall by such officer be made and delivered to the prosecuting attorney of such county for collection, who shall on the first Monday in each month, pay over to the officer for whom the collection is made all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount so paid over and enter a statement of such payment on the books of his office; and execution shall issue upon the precipe of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. For such services such prosecuting attorney shall receive ten per centum on all accounts so by him collected.

SECTION 12. If any officer mentioned in section 1 wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof, or wilfully makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein, he shall be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one year not more than five, or both. The penalties herein provided for against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall be paid into the county treasury, to the credit of the general fund of the county.

SECTION 13. The official bond required by law hereafter taken from any of said officers shall be deemed to make the parties to the same liable or any violation on the part of the officers for whom they

are sureties of any of the provisions of this act, and for the faithful performance of all the duties required thereby.

SECTION 14. Any provision of statute in force when this act takes effect, which conflicts with any provision of this act, to the extent that it is inconsistent with the latter and not otherwise, be held to be superseded by this act as to the said county of Knox, but other provisions of statute so in force relating to county officers and county affairs shall not [be] affected by this act.

SECTION 15. That at the next general election to be held in the state of Ohio, after the passage of this act, the officers whose duty it is to provide for the printing of the ballots shall cause to be printed on all ballots below the list of names of candidates for office, with a blank space on the left margin in which to give each elector a clear opportunity to designate his choice, the following: "For the county salary law." "Against the county salary law." Notice that said proposition is to be submitted shall be given by the sheriff by proclamation, for the same length of time and in like manner as in his proclamation of general elections required by law. The clerks of each election precinct shall write in separate rulings on the left hand margin of the tally-sheets below the names of the candidates: "For county salary law." "Against county salary law." And shall enter in the appropriate ruling the tallies of all votes cast for and against said proposition, and the aggregate number of votes for, and the aggregate number of votes against said proposition in each voting precinct, shall be forthwith certified by the precinct election officers to the proper board of deputy state supervisors of elections, or boards of elections, in like manner as the return of elections of county officers are certified, as required by law, who shall record the aggregate number of votes for and against said proposition. If upon such election a majority of the votes cast on said proposition shall be in favor of a salary law, then this act shall take effect and be in force from and after the first Monday in January, 1901, but if a majority of the votes cast on such proposition be against a salary law, then this act shall be void.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 3, 1900. 100L

[House Bill No. 380.]

AN ACT

To provide for a special school district in the county of Henry and state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory, to wit: The south three quarters of the east half of the east half of section twenty-five (25), Harrison township in Henry county, Ohio; all of section thirty-six (36) in said Harrison township except the west three-quarters of the north half of the north half, and the southwest quarter of the northwest quarter thereof; all of section one (1) in Monroe township in said county except the south half of the southwest quarter thereof;

the east half of the east half of section twelve (12) in said Monroe township; the west half of the west half of section seven (7) in Richfield township in said county; all of section six (6) in said Richfield township except the southeast quarter thereof; the west half of the northwest quarter of section five (5) in said Richfield township; all of section thirty-one (31) in Damascus township in said county except the east three-quarters of the north half of the north half thereof; the south three-quarters of the west half of the west half of section thirty-two (32) in said Damascus township; the south three-quarters of the west half of the west half of section thirty (30) in said Damascus township, be erected and constituted a special school district, and that the above described territory is hereby set apart as such special school district, under the name and designation of Grelton special school district.

SECTION 2. That all school property, including buildings and furniture now located on the territory described in section 1 of this act shall be a part of and belong to said special school district, subject to, and under the control of the board of education of said special school district.

SECTION 3. That on the second Monday in May, 1900, the qualified electors residing in and upon the territory designated in section 1 of this act are hereby authorized to assemble at the school-house now located upon said special school district and elect by ballot according to law three members for a board of education for said special school district, and of the three members so elected the one for whom the greatest number of ballots shall have been cast, shall serve for three years, the one for whom the next highest number of ballots shall have been cast shall serve for two years, and the other one of the three for whom the greatest number of ballots shall have been cast shall serve for one year; provided, that annually thereafter the election shall be held as provided by law.

SECTION 4. The said members of the board of education so chosen shall be invested with power to employ school teachers, erect schoolhouses, and maintain a common school in said special school district and to levy taxes for the same and for the maintenance of the same, under the provisions of the school laws of this state.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 4, 1900. 101L

[House Bill No. 187.]

AN ACT

To amend an act entitled "An act to provide for the salary and fees of the official stenographer for certain counties therein described," passed March 28, 1894.

[MADISON COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act passed March 28, 1894 (vol 91, O. L., 573), entitled "An act to provide for the salary and fees of the official stenog-

rapher, for certain counties therein named, be amended so as to read as follows:

Sec. 1. That in all counties having a population of not more than 20,500 nor less than 20,000 by the federal census of 1890, or which at any subsequent federal census may have such population, the official stenographer heretofore appointed by the court of common pleas, or who may hereafter be appointed for such county, shall hold office for a term of three years from and after the date of such appointment, and until a successor be appointed and qualified, unless removed by the court for neglect of duty, misconduct or incompetency. Such official stenographer shall receive a salary of four hundred dollars ($400) per annum, payable in [equal] quarterly installments, out of the county treasury, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts; and it shall be the duty of the auditor of such counties to issue warrants on the treasurer for the payment of said salary out of the general fund on the first day of January, April, July and October of each year, upon the presentation to him of a certified copy of the journal entry of such appointment of said official stenographer.

Sec. 2. And it shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such oral proceedings as the court or parties may direct in all cases actually tried in the circuit, common pleas and probate courts, to the court or jury, the shorthand notes so taken to be the property of the county, and carefully preserved in the office of such stenographer. It shall also be the duty of such stenographer to make or cause to be made, at the request of either party, his attorney or the court, an accurate transcript into longhand of the notes so taken in any case, to be paid for forthwith by the party or parties ordering the same; but no transcript of the notes into longhand shall be paid for out of the county treasury in any case unless such transcript shall be ordered made by the judge trying the case for his own use, and in criminal cases by the prosecuting attorney. Such stenographer shall also, without extra compensation, take from the dictation of the court such shorthand notes as may be required in preparing opinions and charges to the juries.

Sec. 3. Such stenographer shall receive for making such transcripts of said notes into longhand, five cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcripts shall be one-third the fee allowed for the first copy. And in every case reported in said courts there shall be taxed for each day's service of such stenographer a fee of three dollars ($3), together with the fees paid out of the county treasury, as provided for in section 2 hereof, to be collected as other costs in the case and when so collected, to be paid quarterly into the treasury of the county by the clerk of the court.

Sec. 4. Such stenographer shall have an office in the court-house of the county, and shall have the power to take and certify depositions in any of the courts in this state, and may be appointed referee to take and report proofs in any of the courts of this state, and in taking such depositions and proofs, shall have power to swear witnesses, and for services under this section shall be entitled to receive ten cents per folio of one hundred words.

SECTION 2. Said original act, passed March 28, 1894 (91 O. L., 373), is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 4, 1900. 102L

[House Bill No. 371.]

AN ACT

To provide a board of park commissioners, and to provide for the acquisition of grounds for parks, park entrances, park driveways, and boulevards, and for the improvement, management and control of parks, park entrances, park driveways and boulevards, in cities of the second grade of the first class.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In cities of the second grade of the first class, there shall be a board of park commissioners composed of five persons who shall be electors of the county in which are situated such cities. Said board of park commissioners shall be appointed by the judge[s] of the circuit court of the judicial circuit in which said counties and cities are situated, or any two of them, together with the probate judge of said counties. Said board of park commissioners shall be appointed one member for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years, and one member for a term of five years, and they shall hold their office until their successors are duly chosen or elected as hereinafter specified. In case of any vacancy caused by death or otherwise, of any of said members so appointed, said vacancy shall be filled for the unexpired term by the same appointive power. Commencing with the first Monday of April, 1901, one member of said board of park commissioners shall be chosen by the electors of such cities for a period of five years, and one member shall be chosen for a period of five years upon the first Monday of April of each succeeding year to fill the vacancy caused by the expiration of the term of the member whose term then expires. Such members chosen by the electors of such cities shall hold their office for the full term of five years and until their successors are chosen and qualified. Any vacancy occurring amongst the elective members in such board shall be filled by appointment by the mayors of such cities until the successor is elected and qualified, and said successor shall be elected for the unexpired term on the first Monday of April next thereafter, that is more than thirty days after such vacancy shall have happened. The members of such board shall, before entering on their duties, take and subscribe an oath of office to honestly and faithfully perform their duties, and shall each give bond in the sum of twenty-five thousand dollars, to the approval of the council for the faithful discharge of their duties. Any member of such board who shall

not attend the regular meetings thereof, fixed by its rules and regulations, for a period of three successive months, without reason therefor satisfactory to such board, shall be deemed to have resigned his office, and the vacancy shall be filled as in other cases.

SECTION 2. Such board of commissioners shall have exclusive charge, supervision and control of the parks, park entrances, park driveways, and boulevards, now belonging to such city, or in its control, and all of such property as may hereafter be acquired for parks, park entrances, park driveways, and boulevards in such cities or in the county in which such cities are situated. Such board of park commissioners shall have power to acquire and hold property in the name of the city, by purchase or condemnation, for public parks, for the enlargement of public parks, park entrances, park driveways, and for boulevards; to receive gifts, donations and devises of lands or other property for public parks, park entrances, park driveways or boulevards, on behalf of such cities, and in the name of such cities; to lay out, construct and improve with walks, drives, roads and bridges, shelter houses and other improvements, the public parks, park entrances, park driveways and boulevards, held by it or under its control; to enter into contracts for the construction, enlargement and improvement of such parks, park entrances, park driveways and boulevards; to adopt rules and regulations, regulating the use of the same and the travel and traffic thereon, and to prevent disorder and improper conduct within the precinct of any park, park entrance, park driveway or boulevard. All rules and regulations which such board shall at any time pass, shall, immediately after its passage and before taking effect, be published at least ten days in two daily newspapers of opposite politics, and of general circulation printed in such city. Such board of park commissioners shall also have power to agree with the owner or owners of any street railway occupying any part of any park entrance, park driveway or boulevard, or any public road, street or avenue, which may be placed under the charge of such board of park commissioners, as provided in section 8 of this act, for the removal of any such street railway therefrom, which, in the opinion of such board of park commissioners, may interfere with the use of any park, park entrance, park driveway, or boulevard, road or street, for park purposes, and upon the terms of such removal and the amount of compensation agreed upon to be paid to such owner or owners, and the same shall be paid out of the park funds hereinafter provided to be raised by special assessment. Provided, however, that no such agreement for removal shall be made until there shall be filed with the board of park commissioners a written application therefor, signed by the persons owning a majority of the frontage upon any street, avenue, or part of street or avenue, from which such street railway is to be removed.

SECTION 3. Such board of park commissioners shall also have power to receive in the name of such cities, gifts, donations and devises of land or property for the establishment or maintenance within the limits of any park of a museum, zoological or botanical gardens, collections of natural history, observatories or works of art, upon such terms and conditions as may be agreed upon by and between the grantors and donors thereof, and such board of park commissioners, subject, however, to the approval of the city council, and mayor of such city. But all properties so to be granted, conveyed, demised or bequeathed, and the rents, issues and profits thereof, must be subject to the manage-

ment and control of such board of park commissioners and may be improved or added to in its discretion, and shall be protected, preserved, and arranged by the such board of park commissioners, for public use and enjoyment, under such rules and regulations as such board shall from time to time prescribe. Admission to such gardens and such museums shall be free to the public. Such board of park commissioners shall also have power to agree, subject to the approval of the city council and mayor of such cities, for the management and maintenance of any of the such gardens or other institutions, with any society incorporated or to be incorporated under any law of this state; but such gardens or other institutions shall remain under and subject to the control of such board of park commissioners.

SECTION 4. It shall be unlawful for any person to cut, injure or deface any tree, building, fence, or other erection in the park; to turn domestic animals or poultry of any description upon the parks, or to permit them to wander therein; to carry firearms within, or to frighten, hurt or kill animals or birds belonging to the parks; to hinder or interfere with men employed upon the parks. All persons found violating the provisions of this section, or any of the rules, regulations or ordinances adopted by any such board or the city council shall be guilty of a misdemeanor, and shall be punished upon conviction before the police court of said city, upon complaint and proceedings as now had and provided by law in cases of misdemeanor and violations of city ordinances, by a fine not exceeding fifty dollars, and in default of payment be imprisoned not exceeding thirty days, and the jurisdiction of the police court of such cities is hereby expressly extended to include all parks, park entrances, park driveways, and boulevards, belonging to such cities and under the control of such board, whether within or without the corporate limits of such cities. Such board of park commissioners, and their officers and employes, shall have power to make arrests for misdemeanors committed within the precincts of any park, park entrance, park driveway or boulevard, under their management and control, whether within or without the limits of such cities, or for the violation of any rules, regulations or ordinances established by such board or city council, for the government of such parks. Such board of park commissioners shall have power to seize and impound, any cattle, horses, mules, donkeys, goats, swine, sheep or other animals, or any poultry of any description found running at large upon such parks, park entrances, [park] driveways, or boulevards, to impose a penalty not to exceed five dollars, with reasonable expenses upon each animal or the poultry so seized, and to enforce payment thereof in such manner as the rules and regulations may provide.

SECTION 5. Any person violating any of the rules, regulations of [or] ordinances of any usch board of park commissioners, or city council, or violating any statute of Ohio relating to parks or boulevards or ordinances of any municipal corporation relating to parks or boulevards, in which there is any such board of park commissioners shall be liable to a civil action for damages to be brought by such board of park commissioners in the name of any such city; and the amount recovered shall be paid into the park expense fund of such corporation herein provided for.

SECTION 6. Such board of park commissioners may employ such engineers, landscape gardeners, and such gardeners, laborers and other

employes as it may be necessary to perform and accomplish the purposes of this act, and they shall fix the salary and compensation to be paid such employes. Such board may also employ a secretary at a salary not exceeding two thousand dollars a year, and a superintendent of parks at a salary not exceeding twenty-five hundred dollars a year. The board may also employ persons to perform the duties of caretakers of the park, who shall be under the direction and control of the assistant superintendent of parks, who shall be appointed by the superintendent of parks, by and with the advice and consent of the board, and who shall receive such compensation as may be fixed by the board. The board of park commissioners may prescribe a uniform for the caretakers of the park, and such care-taker shall have the same power to preserve the peace in the parks as the police in such cities, and enforce such rules and regulations as the board may establish, and such ordinances as the council may ordain, for the control of the parks in such cities.

SECTION 7. Such board of park commissioners shall have power to appropriate, enter upon and condemn for public use, and hold and possess on behalf of and in the name of such cities, any property for enlarging any park, parks or public ground, now owned by any such city; and for establishing such public park or parks, park entrances, park driveways and boulevards, as in the opinion of such board of park commissioners it may be necessary from time to time to establish, either within or without the limits of such cities; and when such board shall determine to appropriate property for either of such uses, a resolution to that effect shall be passed by said board and entered upon its minutes, declaring the intention to appropriate such property and the necessity therefor, [and] with a pertinent description of the property to be appropriated, which resolution shall be certified to the corporate council of such city, whose duty it shall then be to apply in writing in the name of such city to the court of common pleas of the county, or judge thereof, in vacation, or to the probate court of the county, for the impaneling of a jury to assess the compensation to be allowed the owners of the property appropriated in the manner provided in sections 2232 to 2261, both inclusive of the Revised Statutes, for appropriating private property by municipal corporation; and all the proceedings hereunder, except as herein authorized, shall be governed by the provisions of such sections of the Revised Statutes of Ohio; provided, that if such proceedings are commenced in the probate court of the county, neither party shall have the right to appeal, but either party may institute proceedings in error as provided by law. And the amount of compensation adjudged to any owners, together with the costs and expenses of such proceedings, shall be paid out of the park funds herein provided.

SECTION 8. Such board of park commissioners shall also have power by a four-fifths vote of the members thereof, with the approval of the city council, and upon proper compensation being paid therefor, to grant to any such city or the county wherein any such city is located, or to the state of Ohio, or to any library board, any board of art trustees, or to any other quasi public board or body, the right to use so much of any of such parks acquired or to be acquired by it, containing more than twenty acres of land, as may be necessary to erect and maintain public buildings or quasi public buildings thereon. The remainder of such park, however, to remain under the control and supervision of

such board. The board of park commissioners, with the approval of the city council, is hereby empowered to grant and convey the fee, or to lease so much land not acquired by condemnation as may be occupied by any such buildings and accessories, and to contract with reference to all necessary approaches thereto.

SECTION 9. Such board of park commissioners shall also have power by a four-fifths vote, to take charge of, control and improve any public road, street, avenue, alleyway, or any part of such road, street, avenue or alleyway, or grounds of any kind or any part thereof, within or without any such cities, for the purpose of a park entrance, park driveway or boulevard, with the consent of the proper municipal authorities, or of the other corporations or public officers or authorities owning or having charge thereof. The appropriation of any street or road for the purpose of a park entrance, park driveway or boulevard, shall not relieve the owners of land abutting thereon from liability to pay for sewerage, pavements, water or other street improvements; but such improvements shall be made by or under the direction of such board of park commissioners, and such board shall have the same power to assess the costs thereof as well as the cost of street improvements in or upon any park driveway or boulevard which may be acquired by purchase or condemnation, or otherwise upon the lots and lands abutting upon or benefitted by the driveway or boulevard so improved, which are now or may be hereafter possessed by the city council in the case of the other streets of any such cities. The proceeds of such assessment shall be paid to the city treasurer, to the credit of said board of park commissioners, and subject to their order by warrants drawn on the city treasurer.

SECTION 10. If any private property is damaged by the placing of any road, street, avenue, alleyway, or any part thereof, or grounds of any kind in the charge and control of the board of park commissioners, then every owner of any property so damaged shall have a separate cause of action therefor, and the right to recover from the city in any action at law any lawful actual damages so sustained, which damages shall be paid out of the park funds raised by special assessments as hereinafter provided. All such damages, if any, and cost connected therewith, together with the cost of improving any such road, street, avenue, alleyway or other public ground so turned over to the control of and improvement by the board shall be assessed by such board on the abutting and such adjacent, contiguous and other benefitted property, as the board shall determine.

SECTION 11. For the purpose of carrying out the provisions of this act, and also for the purpose of assisting to pay for constructing, enlarging or improving, or extending any park, park entrance, park driveways or boulevard, such board of park commissioners is hereby authorized and empowered to make special assessments upon all property benefitted by any such constructing, enlarging, improving or extending any park, park entrance, park driveway or boulevard, to the extent such board shall decide; and in proportion to the benefit which may result therefrom, whether such property so benefitted shall be within any such city or within the county, and such board of park commissioners shall be controlled by, subject to and vested with all the power and authority given to city councils by sections 2263 and 2264*a* of the Revised Statutes of Ohio, not inconsistent with this act in relation

to making and collecting all such assessments. The proceeds of all assessments shall be paid to the city treasurer to the credit of such board of park commissioners and subject to their order, by warrants drawn on the city treasurer.

SECTION 12. Such board of park commissioners shall also have power to vacate or close up, within the limits of any park or parks any and all public roads and highways, excepting railroads which may pass through, divide or separate any land selected or appropriated by it for parks, upon payment of damages, if any, caused by such vacation, to the owners of private property injured thereby, to be ascertained in the manner now provided by law, and such damages, if any, shall be paid out of the park funds, and no such road or highway, and no railroad, whether street or steam, shall be laid out through any park or parks, except with the consent of such board of park commissioners and city council; but the proper municipal authorities of such cities may grant the right to cross the park driveways or boulevards with steam or street railroads.

SECTION 13. Such board of park commissioners shall also have the power to coöperate with the authorities of the city or county in the improvement of any street, road or public ground, within or without the city, and to assess the cost thereof, according to benefits, as therein provided in regard to improvements conducted alone by such board.

SECTION 14. It shall be the duty of such board of park commissioners, or its successors, annually, to levy on the real and personal property of any such city a tax sufficient to pay the interest of all bonds issued under the provisions of an act entitled "An act to provide a board of park commissioners and to provide for the acquisition of grounds for parks, park entrances and park driveways, for the improvement, management and control of parks, park entrances and park driveways in cities of the second grade of the first class," passed April 5, 1893; and also to pay all interest upon all bonds issued under the provisions of an act entitled "An act supplementary to an act to provide a board of park commissioners, and to provide for the acquisition of grounds for parks, park entrances, and park driveways, and for the improvement, management and control of parks, park entrances and park driveways, in cities of the second grade of the first class, passed April 5, 1893," passed April 27, 1896. Also to pay all interest of all bonds issued under the provisions of an act entitled "An act supplementary to an act to provide a board of park commissioners, and to provide for the acquisition of grounds for parks, park entrances and park driveways and the improvement, management and control of parks, park entrances and park driveways in cities of the second grade of the first class, passed April 5, 1893, and also of an act passed April 27, 1896," passed April 26, 1898. To provide a fund for the payment of such bonds at maturity, the council of such cities shall also levy a tax upon all such real estate and personal property sufficient to pay the principal of all such bonds and certify the same to the county auditor. Such tax to pay the interest on such bonds and the principal thereof shall be in addition to the amount now authorized by law to be levied for municipal purposes, and when so certified shall be placed upon the grand duplicate of such city by such county auditor and collected according to law, but such board of park commissioners shall not pay the cost and expense or any part thereof of appropriating or purchasing any

street railway property from the proceeds of the issue of any bonds, issued as aforesaid, but the cost and expense thereof shall be assessed by such board of park commissioners on the lots and lands abutting on such park, park entrances, park driveways or boulevards, and such adjacent and contiguous other benefitted lots and lands in proportion to the benefits which may result from the improvement, enlargement or establishment aforesaid, in the manner and subject to the restrictions provided in subdivision 1, chapter 4, division 7, title 12, of part first of the Revised Statutes of Ohio as to assessments in cities of the second grade of the first class, in the cases mentioned in section 2263 of the Revised Statutes, except that such board of park commissioners shall have all the authority in reference to parks, park entrances and park driveways and boulevards therein conferred upon the city council in reference to the improvements therein named.

SECTION 15. Whenever the board of park commissioners makes any special assessments as provided in this act, such board, with the approval of the city council, may borrow money in anticipation of the collection of such assessments, and issue the notes or bonds of such city therefor as provided in and in accordance with sections 2704 and 2705 of the Revised Statutes of Ohio, such notes to be executed as other notes of such cities.

SECTION 16. In addition to the powers already conferred upon such board of park commissioners to make an annual tax levy to meet the interest for such bonds, such board of park commissioners shall also annually certify to the city council the estimated amount needed for defraying the expense of managing and controlling the parks, park entrances and park driveways, and such council shall thereupon annually levy a tax not exceeding one hundred thousand dollars and not exceeding the amount of such estimate on all the taxable property in such cities for the purpose of defraying such expense, and the same shall be certified by the county auditor and collected according to law as other taxes; but such levy shall be subject to the approval of the board of equalization and assessment and the proceeds of such levy shall be placed in the city treasury to the credit of such board of park commissioners in a fund to be known as the "park expense fund" and applied exclusively to the expense of managing, maintaining and controlling the parks, park entrances, park driveways and boulevards. Warrants drawn on the city treasury by such board of park commissioners for payment out of such fund shall be designated on their face "park expense fund."

SECTION 17. All revenues arising from the public property under the management and control of such board of park commissioners, together with all fines, penalties and damages for the violation of any of the rules, regulations and ordinances established by said board under the provisions of this act, shall be placed in the city treasury to the credit of said board in the fund known as the "park expense fund."

SECTION 18. None of said board of park commissioners, nor any person in the employ of said commissioners, shall have the power to create any debt, obligation, claim or liability for or on account of said board, or the moneys or said property under his control, except with the express authority of said board, conferred at a meeting thereof duly convened and held.

SECTION 19. The title of all property now or hereafter acquired for park purposes, park entrances, park driveways and boulevards, with

all improvements and equipments, shall be held free from all taxes and assessments by state, county or municipality, and subject only to a lien to secure such park bonds as have been or may be hereafter issued.

SECTION 20. No power possessed by said board of park commissioners shall be delegated to or performed by any member of such board or any of the committees of such board; but all power possessed by such board shall be exercised by such board as a board.

SECTION 21. Such board shall not enter into any contract for work or material or supplies to be furnished under this act, where the cost will exceed five hundred dollars, without first causing at least ten days' notice to be given in two newspapers of opposite politics and general circulation in such city, that sealed proposals will be received for doing the work or furnishing the materials or supplies. All bids shall be enclosed in a sealed envelope and deposited with the clerk of such board; and such sealed envelopes shall have endorsed thereon the nature of the same, and the name of the bidder, and all bids shall be opened at a regular meeting of the board and at an hour to be indicated in said notice. Each bid shall be accompanied by a bond signed by sufficient sureties for the acceptance of the contract, if awarded by the board; or the bidder may deposit with the board in lieu of such bond a certified check or cash, in such sum as the board shall indicate; and in case of refusal by the bidder to enter into contract according to his bid, within such reasonable time as the board may determine, said bond shall be put in suit, and the amount collected paid to the park fund; or if a check or cash is deposited the amount shall be immediately paid into said fund. Such board shall enter into contracts with the lowest and best bidder upon his giving bond to such city, with such sureties as the board shall approve, that he will perform the work and furnish material in accordance with his contract, and that the sureties agree in advance to such modifications and alterations as may be made by the board and the contractor, and upon failure of such bidder, within a reasonable time to be fixed by the board, to enter into bond with the sureties before provided, the contract may be made with the next lowest bidder, and so on, until a contract is effected with a contractor giving bond as aforesaid; provided that the board may let the work in part or in whole, and may receive bids for labor and material separately as they may deem best, and may reject any and all bids.

SECTION 22. No member of the board, or any employe, shall be interested in any contracts entered into or expenditures made by such board.

SECTION 23. Such board of park commissioners shall annually make a report of its proceedings, together with the total amount of its expenditures, to the legislative body of such city.

SECTION 24. That any and all acts and all sections or portions of the Revised Statutes of Ohio in and so far as the same are inconsistent with any of the provisions of this act are hereby repealed.

SECTION 25. Nominations for the office of park commissioner shall be made and certified to the board of elections in such cities as provided in other cases; provided, however, that nominations for any such office to be voted for on the first Monday of April next after the passage of this act, may be certified to the board of elections not less than five days prior to the holding of such election, any provision of the statute to the contrary notwithstanding.

SECTION 26. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 103L

[House Bill No. 720.]

AN ACT

To authorize the board of education of Murray City special school district of Hocking county, Ohio, to issue bonds to build additional school rooms.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Murray City special school district, Hocking county, Ohio, is hereby authorized and empowered to issue bonds not to exceed the sum of fifteen hundred dollars ($1500) for the purpose of building additional school rooms.

SECTION 2. Said bonds shall be issued by said board and signed by the president and attested by the clerk thereof; they shall be of the denominations of three hundred dollars ($300) each and payable in one, two, three, four and five years respectively, from the dates thereof, and to bear interest at the rate of five (5) per centum per annum, payable annually. Said bonds shall not be sold for less than their par value and at public or private sale, as the board may determine.

SECTION 3. Said board shall annually thereafter cause the necessary taxes shall be levied in addition to those now authorized by law, to pay the principal and interest of said bonds, as the same shall become due, in the manner provided by law for the levying and collecting of taxes for school and school-house purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 104L

[House Bill No. 224.]

AN ACT

To authorize the county commissioners of Paulding county to rebuild the bridges at Oakwood and Charloe across the Auglaize river and construct a bridge, piers and abutments and approaches leading thereto across the Auglaize river between sections twenty and twenty-one, Brown township, Paulding county, and to issue bonds therefor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Paulding county, Ohio, be and they are hereby authorized and empowered to build a

bridge across the Auglaize river at Oakwood, Ohio, and to rebuild the bridge across the Auglaize river at Charloe, Ohio, and to construct a bridge, piers, abutments and approaches thereto across the Auglaize river between sections twenty and twenty-one in Brown township, Paulding county, Ohio, at a cost for said three improvements not to exceed thirty-five thousand dollars; and in the exercise of their powers and the performance of their duties in that behalf they shall be governed by the general statutes on that subject except in so far as their powers and duties are prescribed by this act.

SECTION 2. For the purpose of raising money to defray the expenses of rebuilding and constructing such bridges with the proper and necessary approaches thereto, said commissioners are hereby authorized and empowered to issue and sell bonds of said Paulding county, at not less than their par value, in sums not less than five hundred dollars each, bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually, and not to exceed in the aggregate the sum of thirty-five thousand dollars ($35,000); and said commissioners are further authorized and empowered to levy a tax on all the property on the tax duplicate of said county to pay said bonds as they mature and the interest thereon, at such rate and for such length of time as may be necessary for that purpose.

SECTION 3. Before any of said bonds are issued or tax levied as provided in section 2 of this act the question of issuing the bonds shall be submitted to the voters of the county at a general or special election. Such election shall be held at the regular places of voting in said county, and shall be conducted, canvassed and certified in the same manner as provided by law for the election of officers. The board of county commissioners shall give fifteen days' notice of the submission and election in one or more newspapers printed in the county, once each week for two consecutive weeks, stating the amount of bonds to be issued, the purpose for which they were to be issued, and the time and places of holding the election. The ballots shall be prepared according to the statutes in such cases made and provided, and shall contain in proper spaces respectively the words, "For the issue of bonds for Auglaize river bridges—Yes," and "For the issue of bonds for Auglaize river bridges—No;" and the electors shall make a cross in the blank space on the left of and before the answer which he desires to give, and if a majority of the voters voting at such election for and against such issue shall vote in favor thereof, then and not otherwise, the bonds shall be issued and the tax levied, provided, however, if from any cause it cannot be clearly determined from a ballot how the person casting the same desires to vote he shall be considered as not having voted on the proposition.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 105L

[House Bill No. 770.]

AN ACT

To authorize the commissioners of Lake county, Ohio, to repair certain roads lying within the villages of said county, and to erect suitable levees, etc., to protect the same from the action of waterways.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That, wherever in any village within the county of Lake, any public road or street or portion thereof, is or has been injured or destroyed by the washing of any lake, river or creek, located in or passing through said village, and the commissioners shall deem the preservation of such road or street of sufficient importance to the public generally of the county, to require the county to aid such village in repairing and protecting such road, the commissioners shall be and they hereby are authorized and empowered to stipulate with the council of said village for the repair and protection of such road, and for the payment by the county of such portion or all of the expense thereof, as may be deemed just, or agreed upon between the commissioners and council of such village.

SECTION 2. In making such repairs and protections, the commissioners may erect levees of wood, masonry, iron or other material of such design and extensiveness as may, in their judgment, be required; and for the purpose of raising money to defray the expense thereof, the commissioners may and are hereby authorized to levy a tax upon all of the property assessed for taxation upon the tax duplicate of said county, of such per cent. as will provide a sufficient sum for the purpose, not to exceed in the aggregate the sum of ten thousand dollars ($10,000). In anticipation of such tax, the commissioners may borrow in the amount and for the purpose aforesaid at any rate of interest not to exceed 6 per cent. per annum, and for the purpose of paying such loans if made, or of procuring funds to immediately perform and pay for such repairs and protections, the commissioners may issue and sell bonds of said Lake county according to law, not exceeding the amount herein provided for, which said bonds, if issued, shall be in such amount and payable at such stated periods as will permit their payment from the receipt of taxes, obtained from the tax levy herein authorized.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 106L

[House Bill No. 455.]

AN ACT

To authorize the board of education of New Straitsville special school district of Perry county, Ohio, to levy additional tax for school purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of New Straitsville special school district, in Perry county, Ohio, be and is hereby authorized to levy

a tax not exceeding three mills on the dollar on all taxable property in said special school district, in addition to the levy now authorized by law for school purposes in said district. Said tax may be levied each year, for a period of five years, commencing with the levy for the year 1900 and shall be levied and collected in the same manner as other taxes for school purposes are levied and collected.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 107L

[House Bill No. 262.]

AN ACT

To create a special school district in the township of Walhonding and county of Coshocton.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the territory embraced in the township of Walhonding, county of Coshocton, and state of Ohio, and described as follows, to wit: Commencing at a point where Owl creek crosses the county line between Knox and Coshocton counties, thence easterly along said creek to its intersection with the Mohioam river, thence down Walhonding river to the northeast corner of lands owned by John G. Scott; thence south along the line between the lands owned by said Scott and F. Pomerene and Moore and Canton and S. E. Bell to the half township line; thence due east on said half township line to the southeast corner of lands owned by L. P. McVey and Allen Wheeler and Alexander Hayans to the Walhonding river; thence easterly along said stream to the southeast corner of lands owned by W. E. Flagg; thence north on line between lands owned by said W. E. Flagg and F. L. Rodehaver and John P. Fry to the northeast corner of lands owned by said Flagg; thence west on the north line of said Flagg between the lands of said Flagg and George Heffelfinger to the southeast corner [of] lands owned by Rebecca McFarland; thence north between the lands of said McFarland and G. Heffelfinger to the northeast corner of said McFarland's land; thence north on the line between the lands of C. F. Williams and B. Young to the northeast corner of said Williams' land; thence west on the line between the lands of C. F. Williams and G. Heffelfinger to the southeast corner of the lands owned by heirs of John Leonhart; thence north on the east line of said Leonhart's land to the township line between Fivirton [Tiverton] and New Castle township; thence west on said township line to the line running north and south between Knox and Coshocton counties; thence due south on said county line to the Owl creek, be and the same is hereby created and declared to constitute a special school district to be known as Walhonding special school district.

SECTION 2. The electors of said special school district shall, within thirty (30) days, by five of the electors in said district giving ten (10)

days' notice of the time and place of holding the election, and thereafter on the first Monday of April, elect three members of the board of education, one for one year, one for two years, and one for three years from the third Monday in April next hereafter, who shall hold these offices for the term therein specified, and until their successors are elected and qualified.

SECTION 3. The said special school district shall be entitled to all of the school property within such territory, and the title thereto shall be vested in the board of education of said special school district.

SECTION 4. That said special school district shall be entitled to and shall receive their proportionate share of all the school funds, and the funds levied for school-house and the incidental expenses in accordance with the enumeration of 1897, of children who are entitled to attend school, said funds being those now collected or already levied and not collected, either in the county or township's treasurer.

SECTION 5. Said Walhounding special school district shall be governed in all respects by such laws as are now or may be in force relating to special school districts.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 108L

[House Bill No. 460.]

AN ACT

To annex additional territory to Portage village school district, in Portage and Liberty townships, Wood county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described additional territory is hereby annexed to the Portage village school district, viz.: the north half (½) of the northwest quarter (¼) of section eighteen (18) and the north two hundred and forty (240) acres of section six (6), being all of said section six (6) lying outside of the present Portage village school district, all of said lands being in Portage township, Wood county, Ohio.

SECTION 2. That the following described additional territory is hereby annexed to the Portage village school district, viz.: the north half (½) of the northeast quarter (¼) of section thirteen (13), the east half (½) of the southwest quarter (¼) of section twelve (12) and the northeast quarter (¼) of section one (1), all of said lands being in Liberty township, Wood county, Ohio.

SECTION 3. That the territory hereby annexed to said Portage village school district shall be exempt from any existing bonded indebtedness of said district for school purposes.

SECTION 4. That the Portage village school district shall be entitled to receive from said Portage and Liberty townships, its propor-

tionate share of the school funds and funds levied for contingent purposes, in accordance with the last enumeration of children who are entitled to attend school.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 109L

[House Bill No. 681.]

AN ACT

To repeal an act entitled "An act to provide for the creation of a park fund in cities of the second grade of the second class, and to authorize the purchase of land for parks," passed April 20, 1898.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to provide for the creation of a park fund in cities of the second grade of the second class, and to authorize the purchase of land for parks," passed April 20, 1898, and found on pages 558 and 559 of volume 93 Ohio laws, be and the same is hereby repealed.

SECTION 2. That this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 110L

[House Bill No. 583.]

AN ACT

To authorize the incorporated village of Hamler, Henry county, Ohio, to issue bonds for the purpose of providing fire protection and paying for the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the incorporated village of Hamler, Henry county, Ohio, is hereby authorized to issue bonds, not exceeding in amount three thousand dollars, for the purpose of providing fire protection and paying for the same.

SECTION 2. Said bonds shall be signed by the mayor of said village and countersigned and registered by the clerk thereof, and may be issued in denominations of not less than one hundred dollars nor more than five hundred dollars, bearing interest at a rate not exceeding six per centum per annum, payable annually, the principal to be paid at such

times within ten years from the issue thereof as said council may determine and in such amounts as said council may direct, and said bonds shall not be sold for less than par and accrued interest.

SECTION 3. For the payment of the principal and interest of said bonds as the same become due, the council of said village is hereby authorized and required to levy a tax on all the taxable property within the corporate limits of said village, in such amounts as will each year be required to pay the principal and interest then falling due on said bonds, which levy shall be placed on the tax duplicate by the auditor of said county and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 111L

[House Bill No. 431.]

AN ACT

To repeal sections 1, 2, 3, 4, 5, 6 of an act passed April 15, 1889 (vol.. 86, p. 697, O. L.).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1, 2, 3, 4, 5, 6 of an act passed April 15th, 1889 (vol. 86, p. 697, O. L.), entitled "An act to authorize the commissioners of Delaware county, Ohio, to purchase real estate and buildings for a [county] children's home and to issue bonds, and to provide for the mangement of the home," be and the same are hereby repealed.

SECTION 2. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 112L

[House Bill No. 709.]

AN ACT

To authorize the board of education of the special school district of Troy, Ohio, to levy taxes and refund bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the special school district of Troy, Ohio, is hereby authorized and empowered to levy a tax of two mills on the dollar, in addition to what it is now authorized by law

to levy, for a period of four years, and said board is also authorized to refund any past due bonds which they are now unable to pay.

SECTION 2. The money received by the board of education under the provisions of this act shall be used for the payment of existing indebtedness and the repair of existing school-houses.

SECTION 3. The first levy made under the provisions of this act shall be made in 1902; the second levy in 1903; the third levy in 1904; and the fourth levy in 1905.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 113L

[House Bill No. 592.]

AN ACT

To authorize cities of the second grade of the second class to issue fire department bonds.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all cities of the second grade of the second class, the board of city affairs is authorized to issue the bonds of said city in a sum not exceeding one hundred thousand ($100,000) dollars, for the purpose of providing money to build and equip fire engine and hose houses, to purchase fire engines, hook and ladder trucks, water-towers, hose, hose-wagons, chemical engines, horses, and whatsoever else is necessary for protection against fire, and to purchase the land for such houses, and to purchase and place in underground conduits, fire alarm wires, and to purchase and place in position fire alarm boxes. The money arising from the sale of such bonds shall be paid into the treasury of such city and placed to the credit of the fire department fund, and shall not be expended for any other purpose than that above set forth.

SECTION 2. That the bonds provided for in section one hereof shall be entitled "fire department bonds," and shall run for such length of time, not exceeding thirty years, shall bear such rate of interest not exceeding five per cent. per annum, payable semi-annually, as such board of city affairs shall determine, and interest coupons may be attached. Such bonds shall be signed by the president of the board of city affairs and by the city comptroller, and be sealed with his seal of office, and shall be in denominations of one thousand ($1,000) dollars each, shall bear upon their face a reference to this act, and shall be sold in the manner provided by law for the sale of bonds of municipal corporations.

SECTION 3. That for the purpose of paying the principal and interest of any bonds which may be isued and sold under this act, the

authorities of such city are authorized and empowered to levy and collect each year upon the tax duplicate of such county, until all bonds that may be issued hereunder are paid, a tax not exceeding five-tenths of one mill on each dollar of valuation of taxable property in such city, in addition to all other taxes now or which may hereafter be authorized by law.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 114L

[House Bill No. 498.]

AN ACT

To authorize cities of the second grade of the second class to issue bonds to pay claims relating to the health department of such cities.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any city of the second grade of the second class against which claims are asserted by persons who have furnished goods and merchandise, or who have performed work and labor, or rendered services at the instance or request of any acting board of health of such city either de jure or de facto, be and it is hereby authorized and empowered to pay such claims, and for that purpose to borrow, in addition to any and all loans heretofore authorized, a sum not exceeding six thousand five hundred ($6,500) dollars.

SECTION 2. For the purpose mentioned in the preceding section, the board of city affairs of any such city is hereby authorized and empowered to issue and sell the bonds of such city in any sum not exceeding said sum of six thousand five hundred ($6,500) dollars.

SECTION 3. Said bonds shall be entitled "board of health bonds." They shall run for such length of time not exceeding three (3) years, shall bear such rate of interest not exceeding four (4) per cent. per annum, payable semi-annually, and shall be of such denominations as such board of city affairs shall determine, and they may have interest coupons attached. They shall be signed by the president of the board of city affairs and by the city comptroller of such city, and shall be sealed with his seal of office, and they shall bear upon their face a reference to this act, and shall be sold in the manner provided by law for the sale of bonds of municipal corporations.

SECTION 4. For the purpose of paying the principal and interest of any bonds which may be issued and sold under this act, the authorities of such city are hereby authorized and empowered to levy and collect each year upon the tax duplicate of such city, until all bonds that may be issued hereunder shall be paid, a tax of not exceeding one-twentieth (1-20) of one mill on each dollar of valuation of the taxable property in such city in addition to all taxes now, or which may hereafter be authorized by law.

SECTION 5. The claims mentioned in section one shall not be paid until they shall first have been audited by a committee to be composed of the mayor of such city, the president of its board of city affairs, the president of its tax commission and its city solicitor, who shall examine and report upon all claims so asserted; whereupon the board of city affairs of such city shall order the payment of all claims allowed by such committee in the amounts for which the same have been allowed respectively, provided, however, that no interest shall be allowed or paid on any such claims.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 6, 1900. 115L

[House Bill No. 191.]

AN ACT

To amend an act entitled "An act relating to the duties and compensation of certain county officers and their assistants in Miami county," passed April 21st, 1896 (92 O. L., page 567).

Be it enacted by the General Assembly of the State of Ohio:

[SECTION 1.] That an act entitled "An act relating to the duties and compensation of certain county officers and their assistants in Miami county," passed April 21, 1896 (92 O. L., page 567), be amended so as to read as follows:

Sec. 1. That in Miami county the compensation of the officers thereof specified in this section shall be by annual salary exclusively, except as otherwise provided in sections nine and twelve of this act, to be paid in monthly installments as follows: The auditor and treasurer, two thousand five hundred dollars each; probate judge, sheriff and the clerks of courts, two thousand dollars each; the recorder, one thousand three hundred and fifty dollars; prosecuting attorney, twelve hundred dollars; infirmary directors, two hundred and forty dollars each; and the coroner, two hundred dollars, and neither of them shall receive, nor agree to receive, directly or indirectly, any additional compensation from any source whatever, for the performance or omission of any official duty, nor a reward of any kind from any employe in his office or other person, in consideration of the appointment of any such employe, nor any portion of the compensation of any of his employes, nor any money or thing by way of gift or otherwise, from any officer, agent or employe of the county or its commissioners, or from any other person; and no such employe shall pay, or agree to pay, directly or indirectly, to the officer by whom he is employed, any reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer, for the performance or omission of any official duty, the compensation of the deputies and other clerks and employes of said officers, except persons employed temporarily as provided in the

next section, shall also be by annual salary exclusively, to be paid in monthly installments. And all such salaries shall be paid by the county in the manner hereinafter provided; but if any such officer be removed from office, or any such deputy, clerk or employe be dismissed from his position, his compensation shall cease at the time of such removal or dismissal.

Sec. 2. Each of said officers shall select the persons to be employed in his office, and designate the capacity in which they shall serve respectively; but the number of such employes and the compensation of each shall be determined by the county commissioners; but the commissioners shall not authorize the employment of more persons by any officer than are actually necessary for the proper execution of the duties of his office with reasonable hours of service. In determining the number of employes for any office, the commissioners shall have in view the number employed therein the year preceding the passage of this act, and also the increase or diminution, from time to time, of the labor to be performed in such office; and in determining the salaries thereof they shall allow to one deputy in the offices of clerk of court of common pleas, probate judge, and auditor, respectively, a salary of not more than seven hundred dollars, nor less than six hundred dollars, but no other deputy, clerk or employe in either of said offices shall be allowed more than five hundred dollars; and in the offices of recorder, sheriff and treasurer, they shall allow the deputy a salary of not more than six hundred dollars, nor less than five hundred, but no other clerk or employe in the last mentioned offices shall be allowed more than four hundred dollars; provided, that the employment of clerks or other assistants temporarily, in addition to the regular employes, at a stipulated sum per day, may be authorized by the commissioners when they are satisfied that the business of any such office so requires.

Sec. 3. The commissioners shall keep a record of the number of deputies and other clerks and employes allowed each of said officers, and the compensation of each; and on the first business day of each month, each of said officers shall submit to the commissioners a pay-roll for the preceding month, which shall show the name and official title of such officer, the name of each person employed in his office for the month covered by the pay-roll, and the capacity in which he was employed, and also the salaries of the officer and employe respectively, the allowance per day for temporary clerks or assistants, if any such have been employed, and the amount due each. There shall be attached to such pay-roll a statement sworn to by the officer that the pay-roll is correct in every particular, and that he is not to receive, directly or indirectly, any portion of the compensation shown thereby to be due any employe whose name is entered thereon. If the commissioners find upon examination that such pay-roll is correct, they shall endorse thereon their approval thereof, and file the same with the county auditor, who shall draw his warrant on the county treasurer in favor of the respective persons whose names appear thereon, for the amount shown thereby to be due them respectively, and take their receipt therefor on the pay-roll on the right hand margin opposite their respective names in a space headed, "Received from the county auditor a warrant for the amount shown hereon to be due me."

Sec. 4. All fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the

performance of official duty by any officer mentioned in section 1, or by the sheriff as special master commissioner, or as receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in sections nine and twelve, and the total receipts thereof each day by each of said officers shall, except as otherwise provided in section seven, be paid by him to the county treasurer on the first business day of each month, and be duly accounted for by the treasurer; and said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances, and other perquisites that accrue to his office, and from whom the amounts paid to him each day, and by whom the amounts paid to the county treasurer each month, and the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act, until final judgment; except in habeas corpus and divorce cases.

Sec. 5. Each officer mentioned in section one shall, on the first business day of each month, file with the county commissioners a statement, verified by his affidavit, showing the full receipts daily by him for the preceding month, and the total for the month from each of the sources specified in the preceding section, and also a statement, verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each; and each statement, after the first, of amounts due and unpaid, shall begin with a showing of the amount heretofore reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires he shall file with the commissioners like statements showing such receipts daily since his last statement, and such amounts due and unpaid up to that time.

Sec. 6. All statements required by the preceding sections to be filed with the commissioners shall be carefully preserved by them, and shall be subject to public inspection during all official business hours; and the account books provided for by section four shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer mentioned in section one shall be turned over to his successor in office.

Sec. 7. Each officer mentioned in section one shall exercise due diligence in the collection of fees, costs, percentages, penalties, allowances, and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal, and certified to the treasurer, authorize the treasurer to omit for thirty days, to enforce payment of penalties for the non-payment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section five the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 8. It shall be the duty of the county commissioners to

see that the provisions of this act are faithfully complied with and they may employ an expert accountant whenever and for such time as they may deem necessary, and at such compensation as they deem judicious, to ascertain by examination whether the books and accounts of the officers mentioned in section one are legally and correctly kept, and whether the statements they are required by this act to make to the commissioners are correct; and such accountant shall report to the commissioners the result of such examination, which report they shall preserve in their office. If it appear by any such report that any such book or account, or any such statement is false or fraudulent in any respect, they shall make a thorough investigation of the matter and may, if they deem it necessary or expedient, subpoena witnesses and examine them under oath; and they shall have the same power as justices of the peace to compel the attendance of witnesses. The costs of any such investigation shall be paid from the general fund of the county, on the warrant of the county auditor, when duly certified to him by the county commissioners.

Sec. 9. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for the prisoners in the county jail; but in making such contract the commissioners shall specify in general terms the manner in which such prisoners shall be kept and provided for, and shall see that the terms of the contracts are fully complied with. And the sheriff shall, at the end of each calendar month, file with the commissioners of the county an itemized statement of all moneys by him and his deputies expended in and about the service and executions of the writs and orders of the courts, which statement shall be sworn to by him and approved by the county commissioners, and when so approved, an order shall be drawn upon the treasurer, payable to the sheriff for the sum by him and his deputies so expended.

Sec. 10. Nothing in this act shall be construed to vest in any officer mentioned in section one such fees, costs, percentages, penalties, allowances or other perquisites as are unpaid at the end of their respective official terms, but the same shall be the property of the county to be collected by their successors in office, and applied as provided in this act; but fees, costs, percentages, penalties, allowances and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected thereby.

Sec. 11. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county; and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

Sec. 12. A detailed statement of all accounts, costs and fees due to any of the officers mentioned in section 1 of this act which remain unpaid for the period of one year, shall by such officer be made and delivered to the prosecuting attorney of such county for collection, who shall on the first Monday in each month, pay over to the officer for whom the collection is made all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount so paid over and enter a statement of such payment on the books of his office; and execution shall issue upon the precipe of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. For such services such prosecuting attorney

shall receive ten per centum on all amounts so by him collected and no more, which shall be in addition to the salary fixed in section one herein, upon approval of the county commissioners. The county commissioners shall not approve any claim of any county officer mentioned in section 1 of this act, nor shall the county auditor draw his warrant for the payment of any such officer for salary due him unless he shall have complied with all the provisions of section 12 of this act.

Sec. 13. If any officer mentioned in section one wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof or wilfully makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein, he shall be fined in any sum not more than five thousand dollars or be imprisoned in the penitentiary not less than one year nor more than five years or both; and if any deputy, clerk or employe wilfully violates any provision in this act, he shall be fined not more than five hundred dollars or be imprisoned in the county jail not less than three months nor more than one year or both. The aforesaid penalties against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall be paid into the county treasury, to the credit of the general fund of the county.

Sec. 14. The official bond required by law heretofore or hereafter taken from any of said officers shall be deemed to make the parties to the same liable for any violation on the part of the officer for whom they are sureties, of any of the provisions of this act, and for the faithful performance of all the duties required hereby; but upon the taking effect of this act the county commissioners may, in their discretion, require from any or all of the officers mentioned in section 1 hereof, a new and additional official bond, with sufficient sureties to be conditioned that such officers shall discharge the duties of their respective offices according to law.

Sec. 15. Any provision of statute in force when this act takes effect, which conflicts with any provision of this act, shall to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to counties described herein; but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 16 [2]. The original act as passed April 21, 1896 (92 O L., page 567), be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 116L

[House Bill No. 504.]

AN ACT

To create a pension fund to provide for the pensioning of teachers in city districts of the second grade of the first class.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That a teachers' pension fund shall be established in cities of the second grade of the first class.

SECTION 2. It shall be the duty of the treasurer of the board of education in cities of the second grade of the first class to reserve at each payment one per cent. (1%) of such installment of the salary of each regular teacher, principal, supervisor or superintendent of instruction of said city district up to a maximum salary of twelve hundred dollars ($1,200) yearly, for any one teacher, principal, supervisor or superintendent, and to place the amount so reserved in the teachers' pension fund.

SECTION 3. It shall be the duty of the treasurer to reserve in the pension fund from the pension of each person who shall have been retired by the retiring board within twenty-five years from the time this act goes into effect, one per cent. (1%) of his or her pension for the balance of the twenty-five years.

SECTION 4. It shall be the duty of the said treasurer to collect and to place in this teachers' pension fund all fees for examination of teachers given by the city board of examiners.

SECTION 5. It shall be the duty of said treasurer to receive all legacies, bequests and donations to the fund and to place the same in the fund.

SECTION 6. It shall be the duty of the teachers, in September of 1900, to elect three of their number, one for three years, one for two years and one for one year; and thereafter each September to elect one member to serve for three years; these three members, together with the superintendent of instruction and the president of the school council of said city, shall constitute and be a retiring board.

SECTION 7. The retiring board shall at once choose a president and a secretary from its own number; it shall have the power to pay the secretary, or to pay an assistant, from this fund, not to exceed three hundred dollars ($300) per year.

SECTION 8. This board shall choose two business men, who with the city treasurer, shall act as trustee of this fund, to invest whatever amount is not needed for current pension claims. Said two business men thus chosen shall hold their said office for three (3) years and until their successors are chosen and qualified, and shall give bond for the faithful performance of their duties in such sum as the said retiring board may order. Vacancies in said office of trustees, except the city treasurer, shall be filled for the unexpired term by the said retiring board.

SECTION 9. This retiring board shall have full power in the pensioning of teachers, in accordance with this act.

SECTION 10. No pensions shall be paid from this teachers' pension fund for five (5) years from the time this act goes into effect.

SECTION 11. After twenty-five years of teaching, four-fifths of which time shall be in the public schools of cities of the second grade

of the first class, a teacher, upon the recommendation of the superintendent of instruction, may be retired by a majority vote of the retiring board, with a pension of one-half pay, yearly, providing in no case shall this pension exceed six hundred dollars ($600) yearly.

SECTION 12. From total disability on account of teaching a [teacher], principal, supervisor or superintendent shall be retired by the retiring board and shall receive, after five years from the time this law goes into effect, as indicated, that part of one-half salary which his or her years of experience in said city schools bear to thirty years. In no case is the half salary to exceed six hundred dollars ($600) yearly.

SECTION 13. Any teacher removed after the five years, or failure of reappointment by the superintendent of instruction, shall be entitled to and shall receive from the trustees, all moneys deducted from his or her salary after the said five years, as indicated in section 10.

SECTION 14. After thirty years' experience in teaching, four-fifths of which time (twenty-four years) shall be in the public schools of said cities of the second grade of the first class, a teacher, principal, supervisor or superintendent must be retired by the retiring board, upon the written request of the teacher, principal, supervisor or superintendent, at a pension equal yearly to one-half of his or her salary at the time, providing that in no case shall the half salary be more than six hundred dollars ($600), and providing that the clause in this section referring to four-fifths time in schools in cities of the second grade of the first class shall not apply to teachers, principals, supervisors or superintendents who are in said schools when this act goes into effect, and providing further that any person who shall be retired within twenty-five years from the time this act goes into effect shall have one per cent. (1%) deducted from his or her pension for the balance of the said twenty-five (25) years, according to section 3. If any one drawing a pension under this section from the said teachers' pension fund shall again enter the public schools as a regular teacher, principal, supervisor or superintendent, his or her pension shall cease.

SECTION 15. The death or voluntary resignation of any teacher, principal, supervisor or superintendent shall terminate all interest of said person in said pension fund.

SECTION 16. Any act, or part of act, previously enacted by the general assembly of the state of Ohio in conflict with this act is hereby repealed in that part in which there is conflict.

SECTION 17. This act shall go into effect September first, 1900.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 117L

[House Bill No. 437.]

AN ACT

Authorizing the prosecuting attorney of any county having a city of the first class, second grade, to appoint a clerk.

[CUYAHOGA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any county having a city of the first class, second grade, the prosecuting attorney now holding said office, or who may hereafter hold said office, may appoint a clerk, who shall be a competent stenographer; who shall perform the duties of clerk and stenographer pertaining to the office of said prosecuting attorney, and who shall receive a salary of not more than nine hundred dollars per annum, payable monthly out of the general fund of said county.

SECTION 2. This act shall be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 118L

[House Bill No. 623.]

AN ACT

To authorize the trustees of New Lyme township, Ashtabula county, Ohio, to submit to a vote of the electors of said township the question of discharging from liability the bondsmen of John Noble, late township treasurer.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of New Lyme township, Ashtabula county, Ohio, be authorized at a general or special election to be held at the usual place of holding elections in said township, to submit to the qualified electors of said township the question of discharging from liability the surties upon the official bond of John Noble, late township treasurer of said township.

SECTION 2. Ten days notice of such election shall be given by posting notices thereof in three public places in said township. The ballots for said election shall have printed thereon "Discharge of bondsmen—Yes," "Discharge of bondsmen—No," and shall have a place at the left of each proposition for the voter to check the proposition he favors. If the majority of the votes cast, as shown by the poll book of such election, shall be in favor of such discharge, the trustees of such township shall have full authority to release and discharge said sureties from all liability on said official bonds.

SECTION 3. This act shall be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 119L

[House Bill No. 729.]

AN ACT

To authorize the city council of Greenville, Darke county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the city council of the city of Greenville, Darke county, Ohio, be and is hereby authorized to transfer twenty-five hundred dollars ($2,500) from the bridge fund to the street fund. And one thousand dollars ($1,000) from the bridge fund to the sinking fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 120L

[House Bill No. 492.]

AN ACT

To authorize cities of the second grade of the second class to issue bonds for water-works purposes.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all cities of the second grade of the second class, the board of city affairs is authorized to issue the bonds of such city in a sum not exceeding one hundred and seventy thousand ($170,000) dollars, for the purpose of providing money to purchase, erect and place in position for the water-works of such city, pumping machinery, engines, boilers, valves, pipes and mains, and for sinking wells to provide a supply of water and for constructing buildings that are necessary for the purposes of the water-works department of such city. The money arising from the sale of such bonds shall be paid into the treasury of such city and placed to the credit of the water-works funds, and shall not be expended for any other purpose than that above set forth.

SECTION 2. That all bonds provided for in section one hereof shall be entitled "water-works betterment bonds," and shall run for such length of time, not exceeding twenty (20) years, and shall bear such rate of interest, not exceeding four (4) per cent. per annum, payable semi-annually, as such board of city affairs shall determine, and interest coupons may be attached. Such bonds shall be signed by the president of the board of city affairs and by the city comptroller, and be sealed with his seal of office, and shall be in denominations of one thousand ($1,000) dollars each, shall bear upon their face a reference to this act, and shall be sold in the manner provided by law for the sale of bonds of municipal corporations; and as security for the payment thereof a lien shall arise in favor of the holders of such bonds upon the water-works property owned or thereafter owned by such city, and upon the net income of the said water-works, and the faith and credit of such city shall also be pledged for the payment of such bonds.

SECTION 3. That the principal and interest of all bonds issued under this act shall be paid from the receipts and revenues from water rents of the water-works department of such city, and the trustees of the water-works of such city shall each month, commencing two months after the issue of such bonds, or any of them, set aside from the receipts and revenues aforesaid, until all of such bonds as may be issued hereunder, and the interest thereon, is paid or provided for, an amount to be determined from time to time by the board of city affairs, to create a sinking fund to meet the principal and interest of the bonds issued hereunder, as they respectively fall due, and the amount so set aside, shall on the first day of each month be by the trustees of such water-works paid to the city comptroller of such city and by him deposited in the treasury of such city, in a fund to be known as the "water-works sinking fund," and shall be used for no other purpose than the payment of the principal and interest of such bonds. Such board of city affairs shall from time to time certify to the trustees of such water-works what amount of such receipts and revenues are necessary to be set aside and paid into the water-works sinking fund as, and for, the purpose aforesaid. Such trustees shall so set aside and pay over the amount named in any such certificate until another certificate may be made changing the amount, and shall then set aside and pay over money in accordance therewith, and shall always so set aside and pay over the amounts named in the last certificate aforesaid from such board of city affairs.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 121L

[House Bill No. 417.]

AN ACT

To provide for the payment of the improvement of certain streets, avenues and alleys in cities of the first grade of the second class.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That cities of the first grade of the second class shall have authority to pay that portion of the costs and expenses of paving and improving any streets, avenues or alleys, or parts thereof, of said cities that abut upon lands owned by the government of the United States of America that would be assessed under existing laws against said government land for such improvements.

SECTION 2. For the purpose of providing funds with which to pay said assessments, the city council of said cities shall have authority to issue bonds in such sums not exceeding the proportion of the costs of such improvement of streets, avenues or alleys, abutting upon such government lands as would be assessed under the existing laws against said United States government lands, for such period and at

such rate of interest not exceeding four per cent. per annum, payable semi-annually, as may be determined by such city council.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 122L

[House Bill No. 493.]

AN ACT

To authorize the board of education of the city of Chillicothe, Ross county, Ohio, to borrow money and issue bonds therefor for the purpose of securing a site for erecting and furnishing a high school building.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the city of Chillicothe, Ross county, Ohio, be and they are hereby authorized and empowered to borrow any sum of money, not exceeding forty thousand dollars, for the purpose of purchasing a site and erecting thereon a new high school building and furnishing the same.

SECTION 2. That for the purpose aforesaid, the said board of education is hereby authorized, by resolution adopted at a regular meeting thereof, to issue bonds not exceeding forty thousand dollars in amount, to be signed by the president and attested by the clerk thereof, in denominations of not more than one thousand dollars, nor less than five hundred dollars, bearing interest at a rate not to exceed five (5) per cent. per annum, payable semi-annually, said interest to be evidenced by coupons attached thereto, and said bonds to be payable at such time or times not exceeding twenty years from the respective dates thereof, as said board may determine at the time of their issue; said bonds shall not be sold for less than their par value and to the highest bidder after advertising the time and place of such sale for thirty days in a newspaper of general circulation in said city of Chillicothe, Ohio.

SECTION 3. Said board shall annually thereafter have the power, if necessary, to levy, in addition to the taxes now by law authorized to be levied, an amount of taxes sufficient to pay the interest on said bonds and to pay the principal thereof as they will become due, in the manner provided by law for the levying and collecting of taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,

Passed April 10, 1900. 123L

[Senate Bill No. 125.]

AN ACT

To authorize cities of the first grade of the first class to annex contiguous and adjacent territory comprising various political subdivisions of the county in which such city shall be situated.

[CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any city of the first grade of the first class shall have the power under one annexation proceeding upon compliance with the terms and conditions stated in this act, to annex any territory of the county in which such city is or shall be situated, whether such territory comprise one or several political subdivisions, such as municipal corporations (but they shall each be of a grade and class different from that of the annexing city), townships, school districts, or parts of municipalities, townships or school districts, and whether the same are all contiguous or not to such annexing city, provided that when such annexation is consummated, such enlarged city shall include only continuous or connected territory; provided that as far as practicable farm property not within any municipal corporation shall be omitted from every such proceeding to annex.

SECTION 2. That any city of the grade and class aforesaid desiring to annex any such territory, shall by its board of legislation pass a resolution declaring its intention to do so, describing the territory proposed to be annexed, and stating a time and place (which time shall not be less than two weeks nor more than four weeks after the passage of such resolution) at which it will consider all objections to and remonstrances against the proposed annexation, and shall cause such resolution to be published once a week for two consecutive weeks in two newspapers published and of general circulation in the county in which such city is situated; and if there be any objections or remonstrances to the proposed annexation the same shall be filed with the clerk of the board of legislation of such city before the expiration of ten days after the last publication of the said resolution, and the clerk of said board shall present the same to said board at its next regular meeting after they are filed respectively, and such board shall hear all objections and remonstrances at the time and place to be fixed in the resolution so declaring such intention and describing such territory, and shall pass upon such objections, and determine finally its purpose as to such annexation; and in so doing may omit any part or parts of the territory described in said resolution; provided, that any requirement to read said resolution, or the ordinance mentioned in section 3 hereof, at three regular meetings before the vote is taken thereon, may be dispensed with with the consent of three-fourths of the members elected to such board of legislation on a vote taken by yeas and nays and entered on the journal.

SECTION 3. That if the board of legislation after such hearing shall determine to annex all or any part of the territory described in said resolution, it shall so declare by ordinance, and shall therein direct that an election shall be held in said annexing city and in the entire territory sought to be annexed, for the purpose of approving or disapproving of the proposed annexation through the qualified electors of such city and territory; and the time for such election shall be fixed by the ordinance determining to proceed with the annexation, but shall not be less than

three weeks after the passage of the ordinance. The mayor of such city and also the mayors of such, if any, municipal corporations as are sought to be annexed, and the sheriff of the county containing the other territory sought to be annexed, shall forthwith upon the taking effect of such ordinance each cause their separate proclamations to be issued for a period of ten days before the day fixed for such election, notifying the qualified electors of the several municipalities and the other territory aforesaid, as in the case of ordinary municipal elections, of the time, place and purpose of the holding of said election, but the refusal or failure of the mayor of any such political subdivision so sought to be annexed, or of the sheriff, so to issue his proclamation, shall not invalidate the election. Before such annexation shall be deemed to have carried, it shall receive a majority of all votes cast within the annexing city and the territory sought to be annexed upon the question of approval or disapproval; and should the measure fail at the first election it may be submitted to such qualified electors at any time or times subsequently whenever and as often as a time therefor shall be fixed by ordinance of such annexing city and proclamations shall be issued in manner as aforesaid; provided, that it shall be unlawful for any such ordinance to be passed or adopted by the board of legislation or its successors at any time within one year from the date of the election at which any proposed annexation was defeated, and if such ordinance shall be adopted and passed within such time it shall be null and void; and the duty so to issue such proclamations shall arise and continue imperatively as often as such ordinance shall be passed providing for any such election; and such annexing city shall supply the moneys necessary to defray the expenses of publishing such proclamations. Such election shall in each instance be conducted in the same manner as shall then be provided by law for the conduct of general elections in such annexing city and such political subdivisions and other territory as are affected respectively, except that no additional registration shall be required. Any such election may occur at a general election or may be held specially in any or all of the voting places involved. The form of ballots to be used at such election shall be determined by the deputy state supervisors of such county.

SECTION 4. That the judges of election shall return the result to the deputy state supervisors aforesaid, who shall ascertain the result of the election and certify the same to the secretary of state and to the board of legislation of the city seeking annexation. And if a majority of the total number of votes cast on such question at any such election shall be in favor of annexation, such annexation shall be regarded and treated as complete from and after the date of the said certificates of said deputy state supervisors, except only for purposes of levying such taxes and special assessments as shall become necessary within the political subdivisions and parts thereof so annexed and executing and delivering such obligations as are below stated, between the date of such annexation and the filing of the report of the commissioners of annexation with the court or mayor as in this act required; and all boards and officers having power and control over such levies and obligations in the several political subdivisions or parts thereof so annexed shall continue in the exercise of their several official functions for these objects until the filing of said report either with the court or the mayor as aforesaid, but they shall have no power either to order or authorize any new improvements within any of their several jurisdictions, or to deliver any obligations

unless the same shall be required under or in pursuance of contracts made previous to such annexation, or of a judgment of a court.

SECTION 5. Upon certification by said deputy state supervisors to the board of legislation that the vote at any such election is in favor of annexation as aforesaid, the mayor of the city making annexation shall notify the court of common pleas of the county containing such city of the result of the election; and thereupon such court may appoint six commissioners, three of whom shall be resident freeholders of said annexing city, and three resident freeholders of the territory to be annexed. They shall be sworn by a judge of such court faithfully, honestly and impartially to discharge their duties, and they with the sinking fund trustees acting with them, shall receive compensation to be fixed by such court, and be paid out of the general fund of the treasury of the city making such annexation, upon vouchers to be issued by the mayor of such city. But should said court fail or refuse within ten days after receiving such notification so to appoint and qualify commissioners, then the mayor of such annexing city shall forthwith appoint and qualify such commissioners, and shall exercise and perform all the powers and duties devolved upon the court of common pleas or any judge thereof by this section and section six (6) hereof, and the commissioners so appointed and qualified by him shall possess all the powers and rights and be subject to all the duties they would have or be subject to if appointed and qualified by said court.

SECTION 6. That such commissioners shall make a full and detailed account of the indebtedness, funded or otherwise, if any, due by each of the political subdivisions which are affected by such annexation. That such commissioners in connection with the sinking fund trustees of the annexing city, shall arrange the terms and conditions of such annexation, and report the same to said court or the mayor as the case may require, for approval; provided, that any moneys in the treasury of any municipal corporation, school district or township, or part of any such municipal corporation, school district or township, so annexed, arising from the sale of bonds issued pursuant to law, shall be expended by the annexing municipal corporation within the territory in which, and for the purpose for which, said money was raised; and provided further, that when any municipal corporation, township or school district, is annexed under the provisions hereof, all contracts which, at the time such annexation is consummated, are existing and in force in any form as valid and subsisting obligations upon any such municipal corporation, township or school district, shall likewise be binding upon and operative within the city to which such municipal corporation, township or school district may be annexed; and when part only of any political subdivision is to be annexed they shall make equitable apportionment between the part to be and that not to be annexed, having due regard to the tax valuations of the territory so to be severed, and providing for the assumption and ultimate payment by the annexing city of the portion of such indebtedness which in the judgment and discretion of the commissioners should be allotted to the part annexed and so to be assumed and paid by such city.

SECTION 7. That if any citizen or taxpayer of the political subdivisions or parts thereof, so annexed, shall for themselves and all others similarly situated complain that the terms and conditions of such annexation are unjust and unfair in whole or in part, such persons

shall present their complaints in writing to the court of common pleas of their county within twenty days after the report of the commissioners shall be made, whether to the court or the mayor as aforesaid; and such court shall have the power to modify such report (though approved by the mayor), if in its judgment the conditions and terms are unfair to the interests complaining, but shall not have the right to set aside the annexation or any part thereof; and its decision shall be final, and shall not be subject to review in any court. If no such complaint is presented to the court within the time aforesaid, or when such complaint or complaints are presented and finally passed upon, the commissioners appointed as aforesaid shall thereupon file a transcript of such terms and conditions in the form in which they shall then be with the recorder of such county, and also transmit a copy of the same, certified to by them, to the secretary of state, and the same shall be recorded in said offices respectively.

SECTION 8. As soon as such annexation shall become complete as hereinbefore provided, such entire territory so annexed shall be governed by the respective boards and officers of and by the laws affecting such city, except only as to the powers reserved as provided in section 4 hereof. And thereupon the board of legislation shall by ordinance provide for the division of the annexed territory into wards, and in so doing may add the same, or parts thereof to existing ward or wards, and thereafter members of the board of legislation and members of the board of education from such new wards shall be elected whenever members of said boards for the other wards are elected in the city and school district to which such annexation is made; provided, that at the first annual municipal or county election held after such annexation, members for the new wards in such annexed territory shall be chosen for terms which shall expire whenever terms of existing members of said boards respectively expire.

SECTION 9. That all offices and boards of the different political subdivisions so annexed shall be abolished so far as concerns the territory annexed whenever such annexation is complete, except only the offices and boards which are to be continued temporarily as provided in section 4 hereof, and those so excepted shall be abolished as far as concerns the territory so annexed whenever the commissioners appointed as aforesaid shall make their report to the court or the mayor as hereinbefore provided; and subject only to the right of said boards or officers so temporarily continued in office after the completion of such annexation to exercise the powers mentioned in section 4 hereof. When such annexation becomes complete the title to all property of all descriptions theretofore vested in such political subdivisions respectively so annexed (or if only part of a political subdivision be annexed, then all such property situated in that part), shall be by and in virtue of this act transferred to such annexing city and school district of such city respectively; provided, that such moneys on hand as shall be necessary to pay the rate of compensation theretofore paid to officers temporarily continued in office as provided in section four (4) hereof, shall not be included in such transfer.

SECTION 10. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 124L

[House Bill No. 660.]

AN ACT

To further compensate the deputy state supervisors for the conduct of elections in Hamilton and Cuyahoga counties and their clerks.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That each of the deputy state supervisors for the conduct of elections in Hamilton and Cuyahoga counties for services performed by them since their appointment in August, 1899, and prior to the passage of this act, shall receive, in addition to that already allowed to them by law, the sum of eight hundred ($800) dollars to be paid out of the county treasury as other county expenses from any unexpended funds set apart for election purposes, and the county commissioners shall make the necessary levy to meet the same. And the clerk of said deputy state supervisors for services rendered during the same time, shall be paid a compensation not to exceed one thousand dollars ($1,000), such compensation to be fixed by the deputy state supervisors and to be paid from the same funds and in the same manner.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 10, 1900. 125L

[House Bill No. 383.]

AN ACT

Relating to the duties and compensation of certain county officers and their assistants in Lawrence county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Lawrence county the compensation of the officers thereof specified in this section, hereafter elected, shall be by annual salary exclusively, except as otherwise provided in sections 9 and 12 of this act, to be paid in monthly installments as follows: The auditor, eighteen hundred dollars; probate judge, sixteen hundred dollars; treasurer, sixteen hundred dollars; clerk of courts, sixteen hundred dollars; recorder, twelve hundred dollars; sheriff, seventeen hundred dol-

lars; prosecuting attorney, eleven hundred dollars; and neither of them shall receive, nor agree to receive, either directly or indirectly, any additional compensation from any source whatever, for the performance or omission of any official duty, nor a reward of any kind from any employe in his office or other person, in consideration of the appointment of any such employe, nor any portion of the compensation of any of his employes, nor any money or thing by way of gift or otherwise, from any officer, agent or employe of the county or its commissioners, or from any other person; and no such employe shall pay, or agree to pay, directly or indirectly, to the officer by whom he is employed, and [any] reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer, for the performance or omission of any official duty. The compensation of the deputies and other clerks and employes of said officers, except persons employed temporarily as provided in the next section, shall also be by annual salary exclusively, to be paid in monthly installments. And all such salaries shall be paid by the county in the manner hereinafter provided; but if any officer be removed from office, or any such deputy, clerk or employe be dismissed from his position, his compensation shall cease at the time of such removal or dismissal.

SECTION 2. Each of said officers shall select the persons to be employed in his office, and designate the capacity in which they shall serve respectively; but the number of such employes and the compensation of each shall be determined by the county commissioners; but the commissioners shall not authorize the employment of more persons by any officer than are actually necessary for the proper execution of the duties of his office with reasonable hours of service. In determining the number of employes for any office, the commissioners shall have in view the number employed therein the year preceding the passage of this act, and also the increase or diminution, from time to time, of the labor to be performed in such office; and in determining the salaries thereof they shall allow to one deputy in the offices of clerk of courts, auditor, probate judge, treasurer, sheriff and recorder, respectively, a salary of not more than seven hundred dollars nor less than three hundred dollars, but no other deputy, clerk or employe in either of said offices shall be allowed more than four hundred dollars; provided, that the employment of clerks or other assistants temporarily, in addition to the regular employes, at a stipulated sum per day, may be authorized by the commissioners when they are satisfied that the business of any such office so requires.

SECTION 3. The commissioners shall keep a record of the number of deputies and other clerks and employes allowed each of said officers, and the compensation of each; and on the first Monday of each month, each of said officers shall submit to the commissioners a pay-roll for the preceding month, which shall show the name and official title of such officer, the name of each person employed in his office for the month covered by the pay-roll, and the capacity in which he was employed, and also, the salaries of the officer and employe respectively, the allowance per day for temporary clerks or assistants, if any such have been employed, and the amount due each. There shall be attached to such pay-roll a statement sworn to by the officer that the pay-roll is correct in every particular, and that he is not to receive, directly or indirectly, any portion of the compensation shown thereby to be due any employe whose name is entered thereon. If the commis-

sioners find upon examination that such pay-roll is correct, they shall endorse thereon their approval thereof, and file the same with the county auditor, who shall draw his warrant on the county treasurer in favor of the respective persons whose names appear thereon, for the amount shown thereby to be due them respectively, and take their receipts therefor on the pay-roll on the right hand margin opposite their respective names, in a space headed "Received from the county auditor a warrant for the amount shown hereon to be due me."

SECTION 4. All fees, costs, percentages, penalties, allowances and other perquisites, which are now or may hereafter be allowed by law for the performance of official duty by any officer mentioned in section one, or by the sheriff as special master commissioner or as receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in sections nine and twelve, and the total receipts by each of said officers shall, except as otherwise provided in section 7, be paid by him to the county treasurer on the first business day of each month for the preceding month, and to be fully accounted for by the treasurer, and each of said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all costs, fees, percentages, penalties, allowances and other perquisites that accrue to his said office each day, and the amount received thereof by him each day and by whom paid, and the amount due and unpaid, and also the name of each person, or party liable for any part of such as are due and unpaid, and the amount due from each; but such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act until final judgment, except in habeas corpus and divorce cases.

SECTION 5. Each officer mentioned in section one shall, on the first Monday of each month, file with the county commissioners a statement, verified by his affidavit, showing the full receipts daily by him for the preceding month, and the total for the month from each of the sources specified in the preceding section, and also a statement, verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each; and each statement, after the first, of amounts due and unpaid, shall begin with a showing of the amount theretofore reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires he shall file with the commissioners like statements showing such receipts daily since his last statement, and such amounts due and unpaid up to that time.

SECTION 6. All statements required by the preceding sections to be filed with the commissioners shall be carefully preserved by them, and shall be subject to public inspection during all official business hours; and the account books provided for by section four shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer mentioned in section one shall be turned over to his successor in office.

SECTION 7. Each officer mentioned in section 1 shall exercise due diligence in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall, where

authorized by law, collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal and certified to the treasurer, authorize the treasurer to omit for thirty days, to enforce payment of penalties for the nonpayment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section 5 the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 8. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with, and they may employ an expert accountant whenever and for such time they may deem necessary, and at such compensation as they deem judicious, to ascertain by examination whether the books and accounts of the officers mentioned in section 1 are legally and correctly kept, and whether the statements they are required by this act to make to the commissioners are correct; and such accountant shall report to the commissioners the result of such examination, which report they shall preserve in their office. If it appear by any such report that any such book or account, or any such statement is false or fraudulent in any respect, they shall make a thorough investigation of the matter and may, if they deem it necessary or expedient, subpoena witnesses and examine them under oath; and they shall have the same power as justices of the peace to compel the attendance of witnesses. The costs of any such investigation shall be paid from the general fund of the county, on the warrant of the county auditor, when duly certified to him by the county commissioners.

SECTION 9. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms, the manner in which such prisoners shall be kept and provided for, and shall see that the terms of the contract are fully complied with. The sheriff shall be reimbursed out of the county treasury for actual expenses incurred while out of the county on official business.

SECTION 10. Nothing in this act shall be construed to vest in any officer mentioned in section 1 such fees, costs, percentages, penalties, allowances or other perquisites as are unpaid at the end of their respective official terms, but the same shall be the property of the county, to be collected by their successors in office, and applied as provided for in this act; but fees, costs, percentages, penalties, allowances and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected thereby.

SECTION 11. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general revenue fund of the county; and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 12. A statement of all accounts of costs and fees due to any of the officers named in section 1 of this act, which remain unpaid for the period of one year, shall by such officer be made and delivered to the prosecuting attorney of such county for collection, who shall on the first Monday in each month, pay over to the officer for whom the collection is made all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for

the amount so paid over and enter a statement of such payment on the books of his office; and execution shall issue upon the precipe of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. For such services such prosecuting attorney shall receive ten per centum of all amounts so by him collected and no more, which shall be in addition to the salary fixed in section 1 herein, upon approval of the county commissioners.

SECTION 13. If any officer [mentioned] in section one wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof or wilfully makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein he shall be fined in any sum not more than five thousand dollars or be imprisoned in the penitentiary not less than one year nor more than five years, or both; and if any deputy, clerk or employe wilfully violate any provision of this act, he shall be fined not more than five hundred dollars or be imprisoned in the county jail not less than three months nor more than one year or both. The aforesaid penalties against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall be paid into the county treasury, to the credit of the general fund of the county.

SECTION 14. The official bond required by law heretofore or hereafter taken from any of said officers shall be deemed to make the parties to the same liable for any violation on the part of the officer for whom they are sureties, of any of the provisions of this act, and for the faithful performance of all the duties required thereby; but upon the taking effect of this act the county commissioners may, in their discretion, require from any or all of the officers mentioned in section 1 hereof a new and additional bond, with sufficient sureties to be conditioned that such officers shall discharge the duties of their respective offices according to law.

SECTION 15. Any provision of the statute in force when this act takes effect which conflicts with any provisions of this act, shall be to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to counties described herein; but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act. But the provisions hereof shall apply only to such officials mentioned in section 1 hereof, as shall be elected after the passage of this act.

SECTION 16. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 11, 1900. 126L

[House Bill No. 250.]

AN ACT

To provide for an official stenographer for the county of Ottawa.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the judges of the court of common pleas of the first subdivision of the fourth judicial district of Ohio, outside of Lucas county, shall within thirty days from the passage of this act, and every third year thereafter, appoint for the county of Ottawa, an official stenographer. The county commissioners shall provide said stenographer with an office in the court-house of the county, and shall also provide the necessary stationery for the performance of his, or her, official duties. Said stenographer shall not during the term of his, or her, said office, be a relative, partner, clerk, student or regular employe of any attorney residing or practicing in said county.

SECTION 2. Said stenographer shall hold his, or her, office for the term of three years from and after the date of his, or her, appointment, and until his, or her, successor shall be appointed and qualified, unless sooner removed by the court for the neglect of duty, misconduct or incompetency. Such official stenographer shall, before entering upon the duties of said office, take an oath for the faithful performance of the duties thereof. Such stenographer shall receive a salary of four hundred dollars ($400) per annum, payable quarterly, out of the county treasury of said county, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts of said county; and it shall be the duty of the auditor of said county, to issue warrants on the treasurer for the payment of said salary, as herein provided, out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

SECTION 3. It shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct in all cases actually tried or heard in the circuit, common pleas and probate courts; and the shorthand notes so taken shall be the property of the county, and shall be preserved in the office of the stenographer thereof; provided, that if sessions of the common pleas and circuit courts in said district are holden on the same days, said stenographer shall give preference to the common pleas court, unless excused by the judge thereof. It shall also be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorney or the court, an accurate transcript into longhand of the notes so taken in any case or proceeding, or such portion thereof as may be requested, to be paid for forthwith by the party ordering the same, but no such transcript of the notes into longhand shall be paid for out of the treasury in any case, unless such transcript shall be ordered by the judge, or judges, trying the case, for his or their own use, and except in criminal cases when requested by the prosecuting attorney, in which latter case before said transcript shall be paid for out of the county treasury, the bill therefor shall be approved by the court before whom said case was heard or tried. All such transcripts ordered by the judge, or judges, trying the case, and by the prosecuting attorney in criminal cases, shall be paid for out of the county treasury, and the clerk of the court shall

certify the amount of such transcript, which certificate shall be sufficient voucher to the auditor of the county, upon which he shall draw his warrant upon the county treasurer, and when so paid, such fees shall be taxed and collected as other costs in the case. Such stenographer shall also, without extra compensation, take down from the dictation of the judge, such shorthand notes as may be required by the judge in preparing opinions of charges to juries and transcribe the same into longhand.

SECTION 4. Said stenographer shall receive, for making such transcripts of said notes into longhand, in addition to said salary, six cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript shall be one-third the fee allowed for the first copy, and when two or more transcripts are so ordered by the parties, the total cost thereof shall be equally divided between the parties so ordering them. And in every case where such stenographic notes are taken, there shall be taxed for each day's service of such stenographer a fee of four dollars, to be collected as other costs in the case, and when so collected, to be paid quarterly into the treasury of the county by the clerk of the court.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 11, 1900. 127L

[House Bill No. 477.]

AN ACT

To amend an act entitled "An act to authorize cities of the second grade of the first class to issue bonds for the purpose of purchasing land for pumping stations and for the construction of all pumping plants, tunnels, etc., that may be required in order to increase and extend the water supply system of such cities," passed April 27, 1896 (92 vol., 704).

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to authorize cities of the second grade of the first class to issue bonds for the purpose of purchasing land for pumping stations and for the construction of all pumping plants, tunnels, etc., that may be required in order to increase and extend the water supply system of such cities," passed April 27, 1896 (92 vol., 704), be and the same is hereby so amended as to read as follows:

Sec. 1. That cities of the second grade of the first class in the state of Ohio, are hereby authorized to borrow money in such sum or sums, and at such time or times, as the city council shall deem best, not to exceed in the aggregate the sum of one million five hundred thousand dollars, at a rate of interest not to exceed five per centum per annum, payable semi-annually, for the purpose of purchasing land for pumping stations, and for the construction of all pumping stations with the

necessary buildings, engines, boilers and equipments, aqueducts, pump-wells and other appurtenances necessary for the equipment of a complete pumping plant; also for the construction of such tunnels, shafts, inlets and construction cribs, as may be required for supplying such city with water and as the council shall direct. For the purpose of effecting such loan and providing a fund for the purpose aforesaid, any such city is hereby authorized to issue its bonds, in such denominations, payable at such time or times, not exceeding thirty years from date thereof, and for such amount or amounts, not exceeding in the aggregate the said sum of one million five hundred thousand dollars, as the city council may from time to time direct. Such bonds shall conform to the requirement of chapter 2, of division 9, of title 12, of part first of the Revised Statutes of Ohio.

SECTION 2. That section one of the act entitled, "An act to authorize cities of the second grade of the first class to issue bonds for the purpose of purchasing land for pumping stations and for the construction of all pumping plants, tunnels, etc., that may be required in order to increase and extend the water supply system of such cities," passed April 27, 1896 (92 vol., 704), be and the same is repealed.

SECTION 3. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 11, 1900. 128L

[House Bill No. 743.]

AN ACT

To authorize the trustees of Sycamore township, Hamilton county, Ohio, to transfer certain funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Sycamore township, Hamilton county, Ohio, be and they are hereby authorized to transfer the sum of one thousand dollars ($1,000) from the township poor fund to the township general fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 129L

[House Bill No. 565.]

AN ACT

To authorize the council of the village of Glouster, Athens county, Ohio, to issue bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the village of Glouster, Athens county, Ohio, be and the same is hereby authorized to issue bonds of said village in the sum of not exceeding eight thousand dollars ($8,000), bearing interest at the rate of five (5) per cent per annum, from date of issue, payable semi-annually, the amount realized from the sale of said bonds to be applied as follows: Two thousand dollars ($2,000) to the payment of existing indebtedness, and six thousand dollars ($6,000) to be applied for the purpose of extending the water-works system of said village by laying additional water mains and other necessary equipments for the purpose of supplying said village with water for domestic use.

SECTION 2. Said bonds shall be signed by the mayor and clerk of said village and shall not be sold for less than their par value, and shall be issued in such amounts and payable at such times and places as the village council may by ordinance determine.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 130L.

[House Bill No. 588.]

AN ACT

To authorize the trustees of Adams township, Lucas county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Adams township, Lucas county, Ohio, be and they are hereby authorized to transfer any sum not in excess of four hundred dollars ($400) from the poor fund to the township general fund, of said fund [township].

SECTION 2. That this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 131L

[House Bill No. 467.]

AN ACT

To amend an act passed April 6, 1892 (89 O. L., 220), entitled "An act to provide for the keeping of a more accurate and complete record of maps and transfers of property in counties containing a city of the second grade of the first class."

[CUYAHOGA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act passed April 6, 1892 (89 O. L., 220), entitled "An act to provide for the keeping of a more accurate and complete record of maps and transfers of property in counties containing a city of the second grade of the first class," be so amended as to read as follows, and with the following sectional numbering:

Sec. 2789*a*. In counties containing a city of the second grade of the first class it shall be the duty of the board of county commissioners to provide for making, correcting and keeping up to date a complete set of tax maps of said county which shall show the original lots or parcels in said county, and all divisions, subdivisions and allotments of the same, together with the ownership of each parcel of land in said original lots, divisions, subdivisions and allotments, which maps shall be for the use of the board of equalization and the auditor of said county, and shall be kept in his office; and to employ an expert draughtsman at an annual salary not exceeding $2,000, and such number of assistant draughtsmen, not to exceed three, as are necessary to perform the work and duties required in this act.

Sec. 2789*b*. It shall be the duty of said draughtsman to correct such original maps, and to replace them from time to time as the same shall be necessary, and to enter thereon all new divisions, subdivisions and allotments of land in said county to note all transfers of property thereon, showing the lot or parcel of land transferred; the name of the grantee and the date of the transfer, and to furnish the auditor for entering upon the tax duplicate, a correct and proper description of each lot and parcel of land offered for transfer.

SECTION 2. The original act is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 132L

[House Bill No. 564.]

AN ACT

To authorize the village of Glouster, Athens county, Ohio, to increase the annual tax levy.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the village council of the said village of Glouster, Athens county, Ohio, be and is hereby authorized to levy a tax for the year 1900, and annualy thereafter, so long as it may be necessary, on all taxable property within said village, not exceeding six mills on the

dollar, for each year in addition to the levy now authorized by law, the same to be collected as other taxes, for the purposes of paying the interest on water-works bonds, and paying the bonds as they become due and pay for the deficiency in the expense of running and conducting water-works in and for said village of Glouster.

SECTION 2. This act shall take effect on and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 133L

[House Bill No. 738.]

AN ACT

To authorize the board of trustees of the Cincinnati hospital to construct additional buildings at the branch hospital, for the accommodation, care and treatment of persons afflicted with tuberculosis, and to improve existing buildings used for such purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of trustees of the Cincinnati hospital be and they are hereby empowered to expend in constructing additional buildings at the branch hospital for the accommodation, care and treatment of persons afflicted with tuberculosis, and in improving existing buildings used for such purposes, a sum of money not exceeding twenty-five thousand ($25,000) dollars, to be received by them from the sale of bonds hereinafter authorized to be issued.

SECTION 2. For the purpose of providing a fund with which to construct such additional buildings and to make such improvements, the board of trustees of the Cincinnati hospital are hereby authorized and empowered to issue bonds in the name of the city of Cincinnati and under the corporate seal thereof in a sum not to exceed twenty-five thousand ($25,000) dollars. Said bonds shall be made payable in not less than ten years nor more than fifteen years from the date of their issue, bearing interest not to exceed three and one-half per cent. per annum, and shall be signed by the president of the board of trustees of the Cincinnati hospital, and by the mayor of the city of Cincinnati and be attested by the city auditor of said city, and shall be secured by the pledge of the faith of said city and by a tax, which it shall be the duty of the board of legislation of said city annually to levy upon all the taxable property of said city, and to certify to the county auditor upon a certificate from said board of trustees as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of such bonds. Said taxes shall be in addition to the amount authorized by law to be levied for municipal purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 134L

[House Bill No. 668.]

AN ACT

To authorize the trustees of cemeteries of certain cities to borrow money, issue bonds and purchase ground for cemetery purposes.

[TOLEDO.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of cemetery trustees of any city of the third grade of the first class, be and it is hereby authorized and empowered to issue and sell bonds of said city, in a sum to be by them determined, not exceeding thirty thousand dollars ($30,000), for the purpose of buying additional and adjacent land for cemetery purposes.

SECTION 2. That for the purpose of obtaining additional ground as aforesaid, the said board of cemetery trustees of any such city, is hereby authorized to issue and sell bonds of said city, to be known as "cemetery bonds," to be signed by the president and attested by the clerk of said board of cemetery trustees, and also, to be signed by the mayor and city auditor of such municipality, in denomination of not less than one hundred dollars ($100), nor more than one thousand dollars ($1,000), to be determined by said board of trustees, bearing interest at a rate not exceeding three and one-half (3½) per centum per annum, payable semi-annually; such bonds to be payable at such time or times, not exceeding thirty (30) years from the respective dates thereof, as said board of cemetery trustees may determine, by resolution duly passed and recorded on the minutes of their proceedings; and said bonds shall not be sold for less than their par value and accrued interest, and shall be payable at such place as may be determined by said board of cemetery trustees.

SECTION 3. That for the purpose of paying such bonds, and the interest thereon, as the same shall become due, said board of cemetery trustees shall set aside and place with the sinking fund of such city, from the proceeds of sale of lots or burial rights, or from the funds in their possession, each six months, a sum of money sufficient to pay the interest on said bonds, and such proportion of the principal as will, at the maturity of the last of said bonds, create a fund sufficient to redeem the same; and shall also set aside and deposit, according to law, a sum equal to not less than forty (40) per cent. of all sales of any portion of said lands so as aforesaid acquired to be, and be held as a fund to create an income for the support and keeping of said cemetery after all lands are sold, or after the sales are no longer sufficient to keep up and in order said cemetery; and if any such city has, or shall have, a board of sinking fund trustees, said board of cemetery trustees shall, each six months, file with said sinking fund trustees, in addition to any reports otherwise required by law, a detailed statement of sales, receipts and disbursements of the prior six months, including also debts to and from any said cemetery or board of cemetery trustees, and shall also deposit with any said sinking fund trustees, any and all amounts herein required to be set aside and placed or deposited for payment of said bonds and interest, and for future support and keeping of any said cemetery.

SECTION 4. Such bonds, except as otherwise herein provided, shall, in all respects, conform to the requirements of sections 2700 to 2711-24, inclusive, of the Revised Statutes of Ohio.

SECTION 5. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 135L

[House Bill No. 683.]

AN ACT

To divide Falls township, Muskingum county, Ohio, into two election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Falls township, Muskingum county, Ohio, be and the same is hereby divided into two election precincts, the boundary of said precincts beginning at the point on the north boundary line of Falls township where Joe's Run enters said Falls township; thence down said Joe's Run with the meanders thereof, to Licking river, thence from the mouth of Joe's Run down said river with the meanders thereof, to a point directly east of the mouth of Timber Run, thence crossing said Licking river to the mouth of Timber Run, thence westwardly up said Timber Run to the west boundary line of the sixty acre tract of land now owned by Jacob C. and William G. Rehl. Said sixty-acre tract being upon the south side of the national pike, thence southwardly along the said west boundary line of said sixty-acre tract to the south boundary line of Falls township. The precinct east of said line shall be known as "precinct A," of Falls township, Muskingum county, Ohio, and that west of said line shall be known as "precinct B," of Falls township, Muskingum county, Ohio, provided that the question of dividing said township as aforesaid shall be submitted to a vote of the qualified electors of said township at the next general election to be held the first Monday in April, 1900, or any special or general election thereafter. Notice shall be given of the time of holding such election by a written or printed notice in not less than five conspicuous places, ten days prior to said election, and the ballot shall be as follows: Those in favor of two precincts shall have written or printed on their ballots, "Two precincts—Yes." Those opposed shall have on their ballots, written or printed, "Two precincts—No." Said ballots shall be provided by the duly elected and qualified committeemen of said township and the returns shall be made to the board of elections of Muskingum county, Ohio, and if it appears that the majority of the ballots cast were in favor of the division of said township as aforesaid, then the board of elections of said Muskingum county shall divide said township into two election precincts as herein provided.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 136L

[House Bill No. 788.]

AN ACT

To authorize the city of Pomeroy to increase the tax levy and to issue bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the city council of the city of Pomeroy, Meigs county, Ohio, is hereby authorized to issue bonds of said city to the amount of nine thousand dollars for the purpose of paying the existing indebtedness of said city incurred in its improvement of the streets and embankments of the Ohio river in the first ward of said city. Said bonds shall be of such denominations and payable at such times as the council may determine, not longer than fifteen years after issue; said bonds to bear interest at a rate not greater than five per centum.

SECTION 2. The said council is hereby authorized and required to levy two mills annually upon all the taxable property of said city until said bonds and the interest that may accrue thereon, is fully paid.

SECTION 3. Said money so raised by taxation shall be used to pay the principal of said bonds and the interest that may accrue thereon and for no other purpose whatever.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 137L

[House Bill No. 816.]

AN ACT

To authorize the trustees of German township, Fulton county, Ohio, to levy additional taxes for road improvements.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That whenever a majority of the freeholders owning sixty per cent. or more of the lands within one-half mile on each side of any township, county or state road, within German township, Fulton county, Ohio, petition the trustees of said township for the improvement of the road, lying on or adjacent to their lands and whenever a majority of the trustees of said township decide to improve the road as petitioned for, they are hereby authorized to levy and assess an additional tax to that already authorized by law, not exceeding seventy-five (75) cents on each acre of the lands lying within a distance of one-quarter of a mile from said road, and not exceeding fifty (50) cents on each acre of the lands lying at a distance of more than a quarter of a mile, and not more than half a mile, from said road petitioned for, to be improved.

SECTION 2. That whenever a petition is filed with the township clerk of German township, Fulton county, Ohio, praying for the improvement of a road, by the trustees as specified in section 1 of this act,

and said petitioners represent a majority of the freeholders and own sixty per cent. or more of the lands lying on or adjacent within one-half mile on each side of said road, they are hereby authorized to certify said assessments, not exceeding amounts named in section 1 of this act, to the auditor of said Fulton county, Ohio, and the said auditor is hereby directed to place the same on the tax duplicate of the county and collect the same as other taxes.

SECTION 2. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 138L

[House Bill No. 787.]

AN ACT

To authorize the council of the city of Pomeroy to increase the levy for taxes in said city for the purpose of paying the interest and principal of the debt of said city.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the city council of the city of Pomeroy, Meigs county, Ohio, is hereby authorized and empowered to levy five mills on each dollar's valuation of the taxable property of said city in addition and excess of the amounts now authorized by law, for the purpose and to enable said city to pay the interest and principal of its present indebtedness.

SECTION 2. All sums raised as above provided shall be applied to the payment of the principal and interest of the public debt and to no other purpose whatever.

SECTION 3. This act shall be in force and take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 139L

[House Bill No. 410.]

AN ACT

Authorizing and requiring the board of education of Northfield township, Summit county, Ohio, to pay to the board of education of the special school district of Macedonia, Summit county, Ohio, certain money.

WHEREAS, The Macedonia special school district was according to law created on the 12th day of May, 1898, by the probate court of Summit county, Ohio, from territory situated in the township of

Northfield of said county, as shown by the records of the board of education of said township; and

WHEREAS, The statute under which said special school district was created makes no provision for the division of surplus school funds in the township treasury; and

WHEREAS, There was in the treasury of said Northfield township on the 1st day of September, 1898, surplus school funds to the amount of twenty-seven hundred dollars and seven cents ($2700.07) as shown by the records of said township board of education; and

WHEREAS, The sum of eight hundred and eighty-five dollars and sixty-two cents ($885.62) of said surplus sum of twenty-seven hundred dollars and seven cents ($2700.07) was raised from the collection of taxes upon the taxable property within the bounds of said special school district; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of said Northfield township be hereby authorized to pay to the board of education of said Macedonia special school district said sum of eight hundred and eighty-five dollars and sixty-two cents ($885.62) as the equitable share of said surplus fund due said special school district, being based upon the relative value of the taxable property in the said special school district and the taxable property of the entire township.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 140L

[House Bill No. 519.]

AN ACT

To provide for the transfer of certain funds in Grafton village, Lorain county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the village of Grafton, Lorain county, Ohio, be and it is hereby authorized and empowered to transfer five hundred dollars ($500) from the general fund, and two hundred and sixty-six dollars ($266) from the police fund, to the road fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 141L

[House Bill No. 344.]

AN ACT

To repeal an act passed April 23, 1898 (93 Ohio laws, page 627), to create a joint subdistrict including portions of Lanier township, Preble county, Ohio, and Jackson township, Montgomery county, Ohio, and to provide school facilities for the youth residing therein.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act passed April 23, 1898 (93 Ohio Laws, page 627), entitled "An act to create a joint subdistrict including portions of Lanier township, Preble county, Ohio, and Jackson township, Montgomery county, Ohio, and to provide school facilities for the youth residing therein," be and the same is hereby repealed, and said joint subdistrict created thereby is hereby abolished.

SECTION 2. This act shall take effect and be in force from and after after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 142L

[House Bill No. 531.]

AN ACT

To authorize the council of the village of Miamisburg, Montgomery county, Ohio, to transfer certain funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the village of Miamisburg, Montgomery county, Ohio, be and is hereby authorized and empowered to transfer twenty-nine hundred dollars ($2900) from the street paving fund to the street improvement fund of said village.

SECTION 2. This act shall take effect and be in force from and after after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 143L

[House Bill No. 360.]

AN ACT

To amend section 3 of an act entitled "An act providing for the sale of sec. 29, in town 4, and range 2, of the original surveyed township, between the Miami rivers in Warren county, state of Ohio," passed March 30, 1875.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of said above entitled act be amended so as to read as follows:

Sec. 3. The money arising from the sale of land as provided for in section 1 of this act, after the same has been paid into the county treasury, shall be certified by the county auditor to the auditor of state who shall place the same in the irreducible debt of the state to be governed and regulated as provided by law.

SECTION 2. That original section 3 of said above entitled act be and the same is hereby repealed, and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 144L

[House Bill No. 577.]

AN ACT

To authorize the board of city affairs, or its successor, to widen and improve streets over trunk sewers and bottom lands for the purpose of providing against overflow from high water in cities of the first grade of the first class.

[CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in cities of the first grade of the first class the board of city affairs, or its successor, be authorized to widen and extend any streets in such city to the full width of sixty feet which may have been or which may hereafter be constructed over trunk sewers and bottom lands in all cases where, in their judgment, it is necessary to make such widening and extension to provide against an overflow from high water. The said board is further authorized to institute and prosecute such legal proceedings as may be necessary for the condemnation of private property which may be needed for the widening and extension of such streets in accordance with the provisions of title 12, division 7, chapter 3, save and except that the said board of city affairs, or its successor, shall have and exercise all the rights and duties devolved by that chapter upon council or the board of legislation, and in its proceedings thereunder, the board of city affairs, or its successor, shall not be required to have the concurrence of the board of legislation or any other municipal board or officer whatsoever.

SECTION 2. The said board of city affairs, or its successor, is further authorized to improve any streets so widened and extended by suitably grading and paving the same and setting all proper curbs with necessary crossings, gutters, flagging and drains; and in making said improvement the said board shall have and exercise all the powers and duties by law devolved upon the board of legislation or council in the improvement of streets, and the board of city affairs, or its successor, in exercising the said duties shall not be required to have the concurrence of the board of legislation or any other municipal board or officer whatsoever.

SECTION 3. For the purpose of defraying the expense of widening, extending and improving such streets as may be widened, extended and improved under the provisions of this statute, the said board of city

affairs, or its successor, is hereby authorized to issue the bonds of such city to such amount as may be necessary, not exceeding in the aggregate the sum of thirty-five thousand dollars; said bonds shall be payable within ten years from the date of the first issue thereof, and shall bear interest at a rate not exceeding 4 per cent per annum; said bonds shall be signed by the mayor and the president of said board, and shall be attested by the city auditor, and shall be secured by the pledge of the faith of the city, and a tax which it shall be the duty of the board of legislation of such city annually to levy upon all of the taxable property of such city, in addition to the taxes now authorized by law, and to certify to the county auditor upon a certificate from the said board of city affairs, or its successor, as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. Said bonds shall be issued and sold in the manner provided by law for the issue and sale of municipal bonds.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 145L

[House Bill No. 741.]

AN ACT

To authorize boards of education in city districts of the first grade of the first class to issue bonds for the purpose of purchasing land and erecting school buildings.

[CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That boards of education in city districts of the first grade of the first class be, and they are hereby, authorized and empowered to issue bonds for an amount not exceeding two hundred thousand ($200,000) dollars, payable at such time and place as the said boards may determine; provided, that such bonds shall be made payable in not less than one and not more than forty years.

SECTION 2. Said bonds shall be issued by said boards, and signed by the president, and attested by the clerk thereof, who shall keep a record of the same and shall be payable to the bearer, and shall bear interest at a rate not exceding three and one-half (3½) per cent. per annum, payable annually or semi-annually, as such boards may deem best, and shall be of such denominations, not less than one hundred ($100) dollars, nor more than one thousand ($1,000) dollars each, as said boards may determine. Said bonds shall not be sold at less than their par value, and then only to the highest bidder for the same, and the funds arising from the sale thereof shall be used and applied solely to the purchase of land, if deemed necessary by the said boards, and the erec-

tion of necessary buildings for school purposes. Provided, however, that said boards of education may offer all or part of said bonds for sale to the trustees of the sinking fund of cities of the first grade of the first class, at par and accrued interest.

SECTION 3. To provide for the redemption of said bonds, and payment of the interest thereon, said boards of education shall annually set aside as a sinking fund, a sum equal to two and one-half (2½) per cent. of the amount of bonds issued and unredeemed, together with the interest thereon; provided, however, that no additional levy shall be authorized for said purpose; but said bonds shall be redeemed, and interest shall be paid out of the fund arising from the levy now allowed by law for school purposes. The trustees of the sinking fund of cities of the first grade of the first class are hereby made and constituted the trustees of the sinking funds of boards of education in city districts of the first grade of the first class; and it shall be the duty of said boards of education to turn over to such trustees of the sinking fund, annually, the amount above provided, to be set aside as a sinking fund, together with interest on said bonds; and it shall be the duty of said trustees of the sinking fund to receive said sum and said interest, and to pay therefrom the interest coupons on such bonds as they may become due, and redeem the said bonds with the sinking fund so turned over to them by the said boards of education; and said sinking fund trustees shall have power to invest said sums so turned over to them in the same manner as they are authorized by law to invest the funds of such cities; and they are further authorized to invest said sums in the bonds issued by the boards of education in city districts of the first grade of the first class, if they choose so to do; provided, however, that all interest earned by such investment of said funds shall be used solely for the purpose of redeeming said bonds issued by said boards of education; and provided, further, that it shall be the duty of said sinking fund trustees, from time to time, after ten years from the date of said bonds, to redeem so many of said bonds as the said sinking fund, together with whatever interest it may have earned, then in their hands, may be able to redeem, upon the passage of a resolution by the board of education requesting them so to do, and provided further, that in lieu of the annual cash payments for the sinking fund herein provided for, the said boards of education may surrender to the trustees of the sinking fund of cities of the first grade of the first class any of said bonds unissued by said boards of education, or any of said bonds redeemed by said boards of education, equivalent in par value to the said annual cash payments herein required, which bonds shall thereupon be canceled by said trustees, and that thereupon the said boards of education shall pay to said board of trustees of said sinking fund, annually, the interest only on the bonds issued, outstanding and unredeemed; and provided, further, that the trustees of said sinking funds shall annually report to the said boards of education, in writing, the condition of the funds hereby created, and the bonds hereby provided for. Any unexpended balance remaining in the fund created by the issue and sale of said bonds, shall not be diverted by said boards of education for any other purpose, and shall be immediately transferred by said boards to the trustees of the sinking fund as aforesaid, to be by them placed to the credit of the sinking fund herein provided for, and to become part and parcel thereof, and to be by them invested as herein provided, and to be applied for the same purpose as is such sinking fund.

SECTION 4. This act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 146L

[House Bill No. 454.]

AN ACT

To provide for a board of park commissioners in cities of the second grade and of the second class and to define its duties and powers.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in cities of the second grade and of the second class, there shall be a park commission consisting of four electors of such cities, of whom not more than two shall belong to any one political party. It shall be the duty of the common pleas court judges resident in such city and acting together as a board, to appoint the park commissioners herein provided for forthwith. In the first instance, one commissioner shall be appointed for one year, one for two years, one for three years, and one for four years, and at the expiration of the term of office of each member of the commission his successor shall be appointed for the [a] term of four years from the date of the appointment, and all vacancies upon said board shall be filled for the unexpired term only. Any member of such commission may be removed for cause by the city council, but it shall require the affirmative vote of two-thirds of all members of the city council to remove a member from said board. Said park commissioners shall serve without compensation or payment of personal expenses or office rent or furniture. Each member of such park board shall, before entering upon the duties of his office, take and subscribe an oath of office to honestly and faithfully perform the duties, and shall give a bond to the city to the satisfaction of the city council in the sum of two thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall be deposited with the city clerk.

SECTION 2. The commissioners so appointed shall constitute a board to be known as the park commission of such city. The said board of park commissioners shall have exclusive charge, supervision and control of all parks, park ways, boulevards and public grounds owned by the city, or that may hereafter be acquired, and the planting and care of all lawns, flowers, shrubs and trees that are now, or may hereafter be planted upon or about any of the levees within the boundaries of such city. But nothing herein contained shall in any way operate against the otherwise proper use and control of the levees by other city or county authorities, as they may deem best for the protection of the city against water. They may also arrange with the board of education of such city to take

charge of the planting and care of the trees upon the public school grounds, and to further lay out and embellish such grounds with trees, plants and shrubbery. The city council may also require, by ordinance, the park commission to attend to the destruction of noxious weeds in the city limits and the planting and supervision of shade trees upon the sidewalks and boulevards of such city.

SECTION 2. Said board shall hold meetings at least once a month, and adopt all necessary rules for the regulation of its business. The board of city affairs of said city shall furnish said board of park commissioners proper office room[s] in which to transact its business and keep its books and records. It shall keep a complete record of all its proceedings, which record, or a copy thereof duly certified by its secretary or clerk, shall be competent evidence of the transactions of said board in all courts of this state; the ayes and nayes shall be called upon every resolution or order, and entered upon the journal. Three members of the board shall constitute a quorum for the transaction of all business, but no order or resolution shall be adopted unless three members shall vote in its favor. No power possessed by said board of park commissioners shall be delegated to or performed by any one member of said board, or any of the committees of said board, but all power possessed by said board shall be exercised by said board as a board.

SECTION 3. Said board shall annually on or before the first day of March of each year, make a detailed report of its proceedings and disbursements to the city council, and shall also transmit to the city council an estimate of the amount of money required by the board to meet current expenses, and for improvements during the ensuing year, not to exceed the amount hereinafter allowed. The city council shall annually levy upon the taxable property of the corporation a tax of five-hundredths of a mill for park purposes, which fund shall be designated as the "park fund." All moneys arising from said tax levy and all revenues arising from public property under the management and control of said board of park commissioners, together with all funds for the violation of any of the rules and regulations established by said board under the provisions of this act, shall be placed in the city treasury to the credit of said board in the fund known as the "park fund," and be subject to the order of the said board of park commissioners, and all orders drawn by the board on the treasury of the corporation shall be signed by the president of the board and countersigned by the clerk thereof.

SECTION 4. Said park commission shall also have the power to receive in the name of the city any gift, donations and devises of lands or property, for the establishment or maintenance or improvement of any park or entrance or driveway thereto. The park commissioners are authorized to acquire in the name of the city by purchase or otherwise, such lands for park purposes and the extension of parkways, and approaches thereto, as in their judgment is desirable, to the extent of the means placed at their disposal for such purposes, and improve the same as they may deem best.

SECTION 5. No member of the board or any employe shall be interested in any contracts entered into, or expenditures made by said board.

SECTION 6. The board of park commissioners may adopt such rules and regulations for the government and protection of the said

parks and public grounds, under their supervision, and the preservation of the trees, plants, fences or other erections in or upon said parks, boulevards, parkways, public grounds or levees under their control, and impose such fines and penalties as may be required, which rules and regulations shall have all the force and effect of ordinances of the corporation when approved by the city council. Said board of park commissioners may employ such superintendents, engineers, landscape gardeners, laborers and other employes as it may deem necessary to perform and accomplish the purposes of this act, and shall fix the salaries and compensations to be paid such employes, out of the funds provided for in sections three and four of this act.

SECTION 7. When it becomes necessary for the board to make an improvement, repair or purchase, the cost of which will exceed five hundred dollars, its proceedings shall be governed by section 2303, Revised Statutes in so far as it applies.

SECTION 8. All park funds, tools, stock, material and all property of whatsoever kind belonging to the park department of such city and the care and control of all parks, parkways, public grounds and boulevards, is hereby transferred from the care and control of the board of city affairs to the park commission of such city.

SECTION 9. All provisions in law in force when this act takes effect which are inconsisent with any provisions of this act, shall be held to be superseded by this act as to the matter of inconsistency.

SECTION 10. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 12, 1900. 147L

[House Bill No. 769.]

AN ACT

To authorize the county commissioners of Highland county to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The payment by the treasurer of Highland county of all orders and warrants heretofore drawn upon him by the auditor of Highland county and made payable out of the county fund thereof, which have been paid by such treasurer out of other funds of the county, are hereby made legal and valid, in so far as such payments relate to such treasurer, as fully as if the same had been paid by him out of the county fund, and such treasurer shall be given credit for such payments, and the same shall be entered upon the proper books and records and carried as over-drafts in the county fund; all taxes heretofore collected, or that may hereafter be collected, belonging to such county fund, shall be applied to the payment of such over-drafts until the same are fully paid; provided, however, that if any part of such over-drafts shall remain unpaid on September 1, 1900,

the board of county commissioners, after ascertaining the amount of the same, shall transfer temporarily, upon the books and records of such county, out of any other fund or funds in which there may be a surplus available for that purpose, a sum or sums sufficient to cover such part so remaining unpaid on such date; and such board of county commissioners shall, from time to time, for the purpose of replacing in the proper fund or funds, the sum or sums so transferred, appropriate out of the county fund from taxes levied and placed on the duplicate, and in process of collection, and not otherwise appropriated, amounts sufficient to replace the sum or sums so transferred, and the same when collected shall be placed to the credit of such fund or funds from which any such transfer may have been made.

SECTION 2. This act shall be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 148L

[House Bill No. 685.]

AN ACT

To include additional territory in the Junction City special school district, in Perry county, Ohio, and change boundary line thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory in Jackson township, Perry county, Ohio, be and the same is hereby included and made part of the Junction City special school district, heretofore organized under the laws of the state of Ohio, to wit: The north-east quarter of section nine (9), the east half of the southwest quarter of section ten (10), the southeast quarter of section ten (10), the southwest quarter of section eleven (11), and the west half of section two (2), all in Jackson township, Perry county, Ohio, and the said boundary line of said school district shall henceforth and hereafter be as follows: Commencing at the half section line running north and south through section two, at a point where the said line intersects the line between Reading and Jackson townships; thence south along said half section line to the point of intersection between said half section line and the section line between sections two and eleven; thence following the present eastern boundary line of said school district to the southwest corner of the George Fluhart land, on the half section line running north and south through section eleven; thence south along said half section line to the section line between sections eleven and fourteen; thence west along said section line and along the section line between sections ten and fifteen, to the quarter section line running north and south through the southwest quarter of section ten; thence north along said quarter section line to the half section line running east and west through section ten; thence west along said half section line and along the half section line running east and west through section nine to the

section line between sections eight and nine; thence north along said section line to the center of the Baltimore & Ohio railroad tracks; thence east along the center of said railroad track to the half section line north and south of section nine; thence north on said half section line to the section line between nine and four; thence east along said section line between said sections nine and four to a small branch of Rush creek, known as Elder's creek; thence northward along the center of said Elder's creek and following the meanderings of said stream in a northerly and easterly direction, to a point where it crosses the section line between sections three and four; thence north along said section line to the Reading township line; thence eastward along the line between said Jackson and Reading townships to the place of beginning.

SECTION 2. Said special school district shall be entitled to receive the proportionate shares of the school funds, and the funds for incidental and contingent expenses in accordance with the enumeration of school youth, and the levies for the year 1899 and for the years thereafter, on all the territory herein added to and made a part of said school district, the same being funds now collected within the county and township treasuries, and which may hereafter be collected from all sources for school purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 149L

[House Bill No. 473.]

AN ACT

To provide for blanks, stationery, printing, etc., for the county officials of Fulton county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That it shall be the duty of each and every county officer, or head of a department, of Fulton county, Ohio, on or before the first day of March of each and every year, to furnish the county auditor with an estimate, with accompanying samples or specifications, of all such office supplies needed in his department as must necessarily be purchased outside of said county.

SECTION 2. Within ten days after receiving said estimates, the county auditor shall advertise, for a period of thirty days in a weekly newspaper, of general circulation in the county, for bids for furnishing of said supplies and the doing of said work, for the period of one year, to be furnished at such times and in such quantities as the various county officers or departments may require and order, and the bids, when received, shall be opened by the county commissioners and the county auditor, and said county commissioners shall enter into contract with the lowest bidder or bidders; they may also require a bond which shall accompany each bid, binding the bidder or bidders to enter

into a contract. in case a contract is entered into, and also fix the amount of a bond which shall accompany each contract, binding the parties entering into said contract to faithfully comply with its requirements in every respect.

SECTION 3. The county auditor shall order and purchase all supplies contemplated in this act, so far as the same relates to printing, paper, envelopes, stationery sundries and miscellaneous supplies; and he shall issue the same upon the written requisition of the several officers and heads of departments of the county government. He shall keep a record of all purchases and requisitions in a book provided for that purpose, and shall make therefrom a semi-annual report in detail to the commissioners. A transcript of all bills for printing, stationery and blank work of every description used in the several departments, shall be filed with the county auditor, who shall enter the same upon the record and include the same in his report as herein provided.

SECTION 4. No officer or head of any department shall order printing done or supplies of any kind provided for in this act, except in accordance with the terms of this act, and no claim for such printing or supplies shall be paid unless it is incurred according to the provisions of this act; and all bills contracted under the provisions of this act, before they are paid, shall have the endorsement of the county auditor to the effect that they are in accordance with the contract.

SECTION 5. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 150L

[House Bill No. 553.]

AN ACT

To empower the board of education of Mineral Ridge, Trumbull county, special school district to continue levy for school purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the special school district of Mineral Ridge, Trumbull county, Ohio, be and it is hereby authorized and empowered to levy tax for the years of 1901, 1902, 1903, 1904, 1905, 1906 and 1907 on all taxable property within said special school district, not exceeding four mills on the dollar for each year, in addition to the levy now authorized by law, the same to be collected as other taxes for the purpose of supporting and continuing the schools in said special school district.

SECTION 2. This act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 151L

[House Bill No. 602.]

AN ACT

To amend an act to provide for the erection of a public vault in the cemetery in Weston township, Wood county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Weston township, Wood county, shall, on the presentation of a petition signed by twenty freeholders of said township, call an election of the voters of said township, upon the question of the building of a public vault in the cemetery in said township, for the general use of the people of said township.

SECTION 2. Said election may be called to be held at any regular election to be held in said township, or at a special election called for such purpose, notice of which election in either case, shall be given by not less than ten days' notice by two consecutive publications of same in some newspaper of general circulation in said township.

SECTION 3. The ballots to be used at such election shall have printed upon them the words, "For public vault, at a cost not to exceed two thousand five hundred dollars—Yes," or "For public vault, at a cost not to exceed two thousand five hundred dollars—No." Such election shall be held in such manner and at such place, as the elections in said township are usually held.

SECTION 4. In case a majority of votes cast at such elections shall be in favor of the erection of a public vault, the trustees of said township shall at their annual meeting next held, for the purpose of making the annual levy of taxes, levy a tax upon all the taxable property of said township in the same manner as other township taxes are levied, not to exceed one and one-half mills. And should such tax of one and one-half mills not be able to produce the sum required to construct such public vault, then the trustees of said township shall issue the bonds of said township for the sum of twenty-five hundred dollars at once and offer them for sale. Provided, that said bonds must be sold at not less than face value, and at a rate of interest not to exceed six per cent. per annum. The trustees shall levy annually thereafter, one and one-half mills for such public vault, until said bonds with their interest shall have been fully paid; provided, that any moneys remaining from such levies after the bonds and their interest shall have been fully paid, shall be expended in beautifying the immediate surroundings of such public vault.

SECTION 5. Said bonds shall be in the sum of eight hundred and thirty-three and one-third dollars each; shall state on their face the date of issue; by whom issued; to whom issued; the act under which issued; the purpose for which issued; the rate of interest; the time of payment, and shall not be sold at less than face value or draw more than six per cent. per annum.

SECTION 6. In case such vote carries, then the township trustees and the trustees of the cemetery shall constitute a "building committee" to have charge of the location and construction of said public vault, and all work connected with it, until the money provided by all bonds and levies for this purpose shall be expended; provided, that when such vault is completed, the trustees of said township shall commit to the care of said cemetery trustees, said public vault, subject to such rules and regulations as such township trustees may devise for its management.

SECTION 7. This act shall be in full force and effect on and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 152L

[House Bill No 480.]

AN ACT

To provide for an additional sum to extend, complete and further improve fair grounds for the use of certain county agricultural associations.

[MADISON COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any county in the state having, at the last federal census, or which at any subsequent federal census shall have a population of not less than twenty thousand, and not exceeding twenty thousand five hundred, and having an agricultural society organized under the laws of the state, the board of directors of such agricultural society, whenever they deem it necessary to extend, complete and further improve the fair grounds used by such society, shall, at a general meeting of said board, by a vote of at least two-thirds of all the members thereof, upon a call of the yeas and nays, pass a resolution for the purpose of securing the benefit of this act, declaring such necessity; and said board of directors shall then, within thirty days from the passage of said resolution, give notice in writing to the board of county commissioners of the county containing such fair grounds, of the necessity for extending, completing and further improving the said fair grounds under the absolute control of such society, which notice shall contain or have annexed thereto a certified copy of said resolution, and shall be signed by the president and secretary of said board of directors.

SECTION 2. That after the filing of said notice the said board of county commissioners shall fix the time, not exceeding twenty days from the day on which said notice is filed with them for a consideration of the necessity for such extension, completion and further improving of such fair ground, at which time and place, said commissioners shall proceed to determine the necessity or advisability of such extension, completion and further improvement; and upon a finding by them that such extension, completion and further improvement is necessary or advisable, they shall, by an order noted upon their journal, direct and order an election by the voters of said county to determine the question of such extension, completion and improvement of such fair grounds, and said commissioners shall fix the day of such election, and shall require notice of such election and the question to be determined thereat, to be published for not less than two weeks prior to such election, in at least two newspapers of opposite politics published and of general circulation in such county. If such election shall be ordered upon a day when any regular election is held, the ballots therein provided shall be separate from the ballots used at such regular election, and be deposited in a

separate ballot box. Said ballots used under this act shall have printed upon them the following: "Fair extension—Yes." "Fair extension —No." If a majority of the votes cast upon such question be in favor of such affirmative proposition, then said society shall proceed, within a reasonable time thereafter, not to exceed six months, in such manner as the board of directors of such society may direct, to extend, complete and further improve such fair ground; but the total cost of said improvement when completed, including any land purchased under the provisions of this act, shall not exceed eight thousand dollars.

SECTION 3. That the payment of said extension, completion or further improvements shall be made by said board of county commissioners from any unappropriated funds in the county treasury at such times as said payments are to be made, and if no such funds are in the county treasury at such times, then said board of county commissioners are hereby directed to issue the bonds of said county for such amounts as may be necessary for such improvements, not to exceed the amount provided for in section second of this act. Such bonds to bear interest at a rate not to exceed five per centum per annum, and to be payable at the office of the board of county commissioners at such time, not to exceed three years from the date thereof, as said board of county commissioners shall determine; and to provide for the payment of such bonds, the said board of county commissioners are hereby directed to levy such annual tax on all taxable property of the county as may be necessary therefor. Said levy shall be collected and accounted for as other county taxes are by the proper county officers. When said agricultural society shall, in any year, have a surplus in its treasury exceeding five hundred dollars, after the payment of the obligations of the said society for the said year, such surplus shall be paid into the county treasury of said county, to the credit of the county fund, until said surplus so paid shall equal the amount of money expended under this act for the extension, improvement and completion of such fair grounds.

SECTION 4. If the extension and the improvement of the fair grounds provided for in this act, shall involve the acquiring of real estate, said board of directors of said agricultural society are hereby empowered to acquire so much real estate as shall be necessary to make such extension; and if the said board of directors of said agricultural society shall not be able to agree with the owner or owners of the same on a price to be paid therefor, or if for any reason the parties owning or interested in the same shall be unable to make a satisfactory title to the same, then the said board of county commissioners are hereby authorized and directed to appropriate the same, and for that purpose they shall cause a petition setting forth a pertinent description of the property, the purpose for which it is appropriated, and making all parties interested in the title to the premises parties defendant, to be filed in the probate court or court of common pleas of the county in which said fair grounds are situated. and thereupon the same proceedings shall be had as are provided for the appropriation of private property by municipal corporations, and upon the payment of the amount of money awarded by the jury, as directed by the court the title to the premises shall vest absolutely in the said board of county commissioners.

SECTION 5. And where the title to the grounds and improvements occupied by agricultural societies in counties having, at the last federal census, a population of not less than twenty thousand, and not exceed-

ing twenty-one thousand and fifty, is vested in the board of county commissioners, or the board of directors of such agricultural society, the control, management and leasing of such lands and improvements shall be vested absolutely in the board of directors of such agricultural society while the same are being occupied and used by said society for holding agricultural fairs, and the money realized from rents or leasing of said grounds and buildings shall go into the treasury of said society to be used as a fund for keeping grounds, fences and buildings in good repair, and in making such other improvements as may be deemed necessary by the agricultural board.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 153L

[House Bill No. 311.]

AN ACT

For the relief of John P. Zimmerman, Jr., of Norwood, Hamilton county, Ohio.

WHEREAS, John P. Zimmerman, Jr., was duly elected and qualified upon the fourth day of September, A. D. 1894, as treasurer of the board of education of special school districts Nos. 3 and 17 of Columbia and Millcreek townships, in Hamilton county, Ohio; and

WHEREAS, As such treasurer in good faith he duly deposited the sum of three thousand and sixty-one dollars and five cents ($3,061.05) of the public school funds of said districts in the Commercial bank of Cincinnati, Ohio, which action upon his part was approved by the action of said board of education; and

WHEREAS, Said Commercial bank during the month of March, A. D. 1895, suspended payment and made an assignment for the benefit of its creditors; and

WHEREAS, The assignee of said Commercial bank has paid upon the aggregate account of said school funds, deposited as aforesaid, the sum of two thousand seven hundred and twenty-four dollars and thirty-three cents ($2,724.33), or a total dividend of eighty-nine per cent. (89%), leaving a balance of three hundred and thirty-six dollars and seventy-two cents ($336.72), but little or none of which is collectible, and for which said John P. Zimmerman, Jr., and the sureties on his official bond are liable; and

WHEREAS, The members of said board of education as at present constituted have requested this general assembly through formal resolution to relieve said John P. Zimmerman, Jr., and his sureties, which action has been duly published in newspapers of general circulation in said school district, and meets with no objection from the residents and taxpayers thereof; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of special school districts Nos. 3 and 17 of Columbia and Millcreek townships, Hamilton county, Ohio, be and they are hereby authorized and empowered, by suitable resolution, to release said John P. Zimmerman, Jr., and the sureties on his official bond, from the payment of any balance still remaining unpaid of the school funds on deposit by him as treasurer of said board in the Commercial bank of Cincinnati, Ohio, at the time of the failure thereof, after payment in full of all dividends collectible from the assignee thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 154L

[House Bill No. 443.]

AN ACT

To create a joint sub-school district in Jackson and Reading townships, Perry county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory in Jackson and Reading townships, Perry county, Ohio, as follows, to wit: Being parts of sections 32 and 33 in said Reading township and parts of sections 4, 5, 8 and 9 in said Jackson township, and more fully described as follows: Commencing at the southeast corner of section thirty-three of Reading township and on the line between said two townships, then north on said section line to a point half way between the north and south lines of said section thirty-three in said Reading township, and to the county road running west to McElroy station on the Shawnee branch of the Baltimore & Ohio railroad, thence westerly along said county road to said station and to the center of the track of said railroad in said section thirty-two, thence southerly and easterly along the center of said railroad to the half section line in section nine of said Jackson township, thence north on said half section to the section line between sections four and nine of said Jackson township, thence east on said section line to a point where a small branch of Rush creek, known as "Elder's creek," crosses said section line, thence northerly and easterly along said Elder's creek and following the meanderings thereof to a point where said creek crosses the section line between sections three and four of said jackson township, thence north on said section line to the place of beginning.

SECTION 2. Said joint sub-school district shall be entitled to receive its proportionate share of the school funds and the funds levied for incidental and contingent expense in accordance with the enumeration of school youth and the levies for the year 1899, and for the years thereafter, the same being the funds now collected within the county and township treasurers [treasuries] and which may hereafter be collected from

all sources, for school purposes, and said joint sub-school district and the boards of education of said townships of Reading and Jackson in reference thereto, shall be governed in all respects by such laws as are now or may hereafter be in force relating to joint sub-school districts of the state of Ohio, and shall erect a school-house, make levies, employ teachers, etc., in accordance therewith.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 155L

[House Bill No. 253.]

AN ACT

To amend section 14 and section 20 of an act entitled "An act to authorize the commissioners of Stark county to issue bonds, purchase site, erect workhouse, and for the government of the same," passed April 18, 1892 (O. L., vol. 89, page 687).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 14 and section 20 of an act entitled "An act to authorize the commissioners of Stark county to issue bonds, purchase site, erect workhouse and for the government of the same," passed April 18, 1892 (O. L., vol. 89, page 687), be amended so as to read as follows:

Sec. 14. The board shall cause monthly statements to be made, specifying minutely all receipts and expenditures, from whom and for what purpose received, and to whom and for what purpose paid, with proper vouchers for each item, and submit such statement, properly certified, to the commissioners of such county, for their examination and approval.

Sec. 20. The cost of maintaining such county workhouse, over and above the proceeds arising from the income thereof, shall be borne by such county, and such expenses shall be paid monthly by such county out of the treasury thereof, upon the certificate of the secretary of such workhouse, on the approval of the commissioners of such county; and the board of county commissioners of any county having a workhouse are hereby authorized and required to levy upon the general tax duplicate such sum as may be necessary, not exceeding one mill on the dollar valuation, for the aforesaid maintenance.

SECTION 2. Said original section 14 and section 20 are hereby repealed.

SECTION 3. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 156L

[House Bill No. 737.]

AN ACT

To authorize the village council of Cedarville, Greene county, Ohio, to issue bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the village council of Cedarville, Greene county, Ohio, be and they are hereby authorized to issue the bonds of said village in an amount not exceeding one thousand dollars, payable at any time the said council may direct, the same to bear interest at not to exceed six per centum per annum, payable semi-annually, for the purpose of paying off a floating debt incurred by a smallpox epidemic. Said bonds shall be issued in such amounts respectively as said council may direct, and shall not be sold for less than their par value. Said bonds shall be signed by the mayor and clerk of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 157L

[House Bill No. 484.]

AN ACT

Relating to the duties and compensation of certain county officers in Crawford county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Crawford county the compensation of officers hereafter elected shall be by annual salary exclusively, except as otherwise provided in sections ten and thirteen of this act, as follows: The auditor, twenty-one hundred dollars; the probate judge, eighteen hundred dollars; the sheriff, two thousand dollars; the treasurer, two thousand dollars; the clerk of courts, eighteen hundred dollars; the recorder, twelve hundred dollars; the prosecuting attorney, ten hundred dollars; the county commissioners, each ten hundred dollars; the infirmary directors, each two hundred and fifty dollars. The auditor, probate judge, sheriff, clerk of the courts, and recorder, shall devote their entire time to the duties of their respective offices, and the prosecuting attorney and county commissioners shall devote their entire time to the duties of their respective offices, if so required.

SECTION 2. None of such officers shall receive nor agree to receive, directly or indirectly, any additional compensation from any source whatever, for the performance or omission of any official duty, nor a reward of any kind from any employe in his office or other person, in consideration of the appointment of any such employe, nor any portion of the compensation of any of his employes, nor any money or thing by way of gift, or otherwise, from any officer, agent or employe of the county or its commissioners, or from any other person; and no employe

shall pay, or agree to pay, directly or indirectly, to the officer by whom he is employed, any reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer for the performance or omission of any official duty. The compensation of the deputies and other clerks and employes of said officers, except persons employed temporarily, as provided in the next section, shall also be by annual salary exclusively, to be paid in monthly installments. And all such salaries shall be paid by the county in the manner hereinafter provided; but if any such officer be removed from office, or any deputy, clerk or employe be dismissed from his position, his compensation shall cease at the time of such removal or dismissal.

SECTION 3. Each of said officers shall select the persons to be employed in his office, and designate the capacity in which they shall serve respectively, but the number of such employes and the compensation of each shall be determined by the county commissioners; but the commissioners shall not authorize the employment of more persons by any officer than are actually necessary for the proper execution of the duties of his office with reasonable hours of service. In determining the number of employes for any office the commissioners shall have in view the number employed therein the year preceding the passage of this act, and also the increase or diminution from time to time, of the labor to be performed in such office. And said board shall fix such compensation at a reasonable amount consistent with the character and extent of the work to be performed by each, and shall at all times have in view, in fixing said compensation, the economical and efficient administration of any such office, and shall fix such compensation at such an amount as shall be consistent therewith; but said board shall not fix the compensation of any such deputy, assistant, clerk or employe temporarily employed at a less sum than $1.50 nor more than $2.00 a day, for each day of actual service, nor the compensation of any such person permanently employed at less than $480 nor more than $720 a year, except the deputy auditor shall receive $800 a year. Provided, that the employment of deputies, assistants, clerks, or employes, temporarily, in addition to the regular employes, may be authorized by said county commissioners for a period of not more than forty days, unless the business of any such office necessarily requires such temporary additional help for a longer period.

SECTION 4. Each officer mentioned in section one hereof, allowed any deputy, assistant, clerk or employe, under this act, shall on the first business day of each month, submit to the county commissioners a pay-roll for the preceding month, which shall show the name and official title of such officer, the name of each person employed in his office for the month covered by the pay-roll and the capacity in which he was employed, and also the salaries of the officers and compensation of the employes respectively, the allowance per day for temporary clerks or assistants, if any such have been employed, and the amount due each. There shall be attached to such pay-roll a statement by such officer in person under oath, that the pay-roll is correct in every particular, and that he is not to receive, directly or indirectly, any portion of the compensation shown thereby to be due to any deputy, assistant clerk or employe whose name is entered thereon. If the commissioners find upon examination that such pay-roll is correct they shall endorse thereon their approval of the same after it has been approved by the prosecuting

attorney, and file the same with the county auditor who shall draw his warrant on the county treasury in favor of the respective persons whose names appear thereon, for the amount shown thereby to be due them, respectively, giving to each officer, deputy, assistant, clerk or employe, a warrant for his salary or compensation, and take their receipts therefor, on the pay-roll, on the right hand margin opposite their respective names, in a space headed "Received from the county auditor a warrant for the amount shown thereon to be due me."

SECTION 5. All fees, costs, percentages, penalties, allowances, perquisites and other official incomes which are now, or may hereafter be allowed by law to the county treasurer, county auditor, probate judge, clerk of the court of common pleas, sheriff, prosecuting attorney, and county recorder for the performance of any official duties, or by the sheriff as master commissioner, or receiver, in any case, shall, when collected, be for the sole use and benefit of the county treasury of said county, as public moneys belonging to it, and shall be accounted for and paid over as such in the manner herein provided, and the total receipts thereof during each day, by each of said officers, unless otherwise specified herein, shall be paid to the county treasurer at the close of the business of the day and shall be accounted for by the treasurer; and such officers shall keep full and accurate accounts, in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances, and other perquisites that accrue to his office, the amounts, and by whom paid to him each day; and said books of accounts shall be part of the records of their respective offices, and shall belong to the county and shall be transmitted to their respective successors in office. Provided, that such fees, costs, percentages, penalties, allowances, and other perquisites in cases pending in court shall not be deemed to be earned or accrued within the meaning of this act until final judgment, except in habeas corpus and divorce cases.

SECTION 6. Each officer mentioned in section one, shall, on the first business day of each month, file with the county auditor a statement, verified by his affidavit, showing the full daily receipts of his office for the preceding month, and the total for the month from each of the sources specified in this act, and also an annual statement, verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office, and not paid to him during the preceding year, and the name of each person or party liable for any part thereof, and the amount due from each, with a reference to the docket, page and number where the same can be found; and each statement, after the first statement of amounts due and unpaid, shall begin with a showing of the amount therefore [theretofore] reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires he shall file with the auditor like statements showing such receipts daily since his last statement, and such amounts due and unpaid up to that time. Such county treasurer, auditor, probate judge, clerk of the court of common pleas, sheriff and recorder, shall, on the first business day of each month, take from the county treasurer a receipt for the sum total paid over to the county treasurer, during the preceding month, and shown by said report, which receipts shall be filed in the county auditor's office, and the auditor shall give to the officer an acknowledgment for the amount paid by such officer, and which sums so paid in by separate

and distinct funds, to be known as "treasurer's fund," "auditor's fund," "probate judge's fund," "sheriffs fund," "clerk's fund," and "recorder's fund."

SECTION 7. The county treasurer shall on the first business day of each month of each year, make out, under oath, and file in the auditor's office, a report showing the total amount of money in his hands on the last day of the preceding month belonging to each of said funds named in section six herein, and all money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county; and all warrants issued by the county auditor in pursuance thereof shall be drawn upon such fund.

SECTION 8. All statements, reports and books required by this act shall be carefully preserved, and shall be subject to public inspection during all business hours, and shall remain in the respective offices wherein required to be filed, and at the expiration of the term of any such officer, shall be turned over to his successor in office.

SECTION 9. Each officer mentioned in section one shall exercise due diligence in the collection of fees, costs, percentages, penalties, allowances, and other perquisites accruing to his office and shall, where authorized by law, collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal, and certified to the treasurer, authorize the treasurer to omit for thirty days to enforce payment of penalties for the non-payment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statement, by this act, the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 10. When necessary to go out of the county on official business connected with their respective duties, each officer mentioned in section one, may in addition to his salary, charge and receive his actual expenses of transportation to and from the county seat, and no more; which expenses shall be paid by the county on the warrant of the auditor, on first producing to the auditor an itemized account therefor, approved in writing by the prosecuting attorney, or in case the warrant is to be drawn in favor of the prosecuting attorney, the itemized account must be approved by the county commissioners; the county auditor shall receive four per centum of all omitted taxes entered and collected in addition to his salary; and the sheriff shall be allowed for his own use whatever money he shall receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall allow not to exceed fifty cents per day for each prisoner, shall specify in general terms the manner in which such prisoners shall be kept and provided for, and shall see that the terms of the contract are fully complied with.

SECTION 11. It shall be the duty of the county commissioners and prosecuting attorney to see that the provisions of this act are faithfully complied with, and the county commissioners may employ an expert accountant whenever and for such time as they deem necessary, and pay such compensation as they may deem judicious, not to exceed five dollars per day, to ascertain, by examination, whether the books and accounts of the officers mentioned in section one, are legally and correctly kept, and whether the statements they are required by this act to make to the commissioners are correct; and such accountant shall report to

the commissioners the result of such examination, which report they shall preserve in their office. If it appear by such report, or by an inspection of such statements or books, by said county commissioners, or prosecuting attorney, that any such books or accounts of any such statement is false and fraudulent in any respect, the county commissioners shall make a thorough investigation of the matter and may, if they deem it necessary or expedient, subpoena witnesses and examine them, under oath, and they shall have the same power as justices of the peace to compel the attendance of witnesses. If the said statements, books and accounts are found to be correct and legal, the cost of any such investigation shall be paid from the general fund of the county, upon a warrant drawn by the county auditor when duly certified to him by the county commissioners, but if such statements, books or accounts are found to be false and fraudulent, then the cost of such investigation shall be taxed against said officer so making such false and fraudulent statement, book, or account, and retained out of such officer's salary.

SECTION 12. Nothing in this act shall be construed to vest in any officer mentioned in section one such fees, costs, percentages, penalties, allowances or other perquisites as are earned and unpaid at the end of their respective terms, but the same shall be the property of the county to be collected by their successors in office and applied as provided in this act; and such fees, costs, percentages, penalties, allowances and other perquisites may be collected by an action at law brought in the name of the county.

SECTION 13. All accounts of fees, costs, percentages, penalties, allowances and other perquisites due to any officer named in section one of this act, and all fines and forfeitures in criminal cases which remain unpaid for a period of one year, after they are due, shall, by said officer, be turned over to the prosecuting attorney for collection, who shall on the first Monday in each month pay over to the officer for whom the collection is made, all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount so paid over, and enter a statement of such payment on the books of his office; an execution shall issue upon the precipe of such officer or prosecuting attorney to enforce the payment of such accounts. For such services said prosecuting attorney shall receive ten per cent. on all amounts so by him collected, in addition to the salary fixed by this act, but he shall not be called upon to make such collection until such officer has made diligent effort to collect such fees and costs, and failed.

SECTION 14. If any officer mentioned in section one, wifully fail or refuse to faithfully and promptly perform any duties required of him by this act, and knowingly violates any provision thereof, or wilfully makes any fraudulent showing in any statement or report thereby tendered by him, or in any account or book provided for herein, or knowingly collects illegal fees or costs, or knowingly directs or permits any deputy, assistant, clerk or employe to collect any illegal fees, or costs, he shall upon conviction, be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one year, nor more than five years, or both; and such officer shall thereby also be removed from office; and if any deputy, assistant, clerk or employe knowingly and wilfully violates any provision of this act, he shall be fined not more than five hundred dollars, or be imprisoned in the county jail not less than three months, nor more than one year, or both. The aforesaid

penalties against said officers, deputies, assistants, clerks or employes, shall be in addition to the penalties provided by existing statutes, and the fines imposed by this section shall be paid into the county treasury to the credit of the general fund of the county.

SECTION 15. The official bond required by law to be taken from any of said officers shall be deemed to make the parties to the same liable for any violation of the provisions of this act, and for the faithful performance of all duties required thereby.

SECTION 16. Any provisions or statute in force when this act takes effect, which conflicts with any provisions of this act, to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act, as to said county of Crawford, but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 17. That at the next general election to be held in the state of Ohio, after the passage of this act, the officers whose duty it is to provide for the printing of the ballots shall cause to be printed on all ballots below the list of names of candidates for office, with a blank space on the left margin in which to give each elector a clear opportunity to designate his choice, the following: "For the county salary law." "Against the county salary law." Notice that said proposition is to be submitted shall be given by the sheriff by proclamation, for the same length of time and in like manner as in his proclamation of general elections required by law. The clerks of such election precinct shall write on separate ruling on the left hand margin of the tally-sheets below the names of the candidates: "For county salary law." "Against county salary law." And shall enter in the apropriate ruling the tallies of all votes for and against said proposition, [and the aggregate number of votes for] and the aggregate number of votes against said proposition in each voting precinct, shall be forthwith certified by the precinct election officers to the proper board of deputy state supervisors of elections, or boards of elections, in like manner as the return of elections of county officers are certified, as required by law, who shall record the aggregate number of votes for and against said proposition. If upon such election a majority of the votes cast on said proposition shall be in favor of a salary law, this act shall take effect and be in force from and after the first day of January, 1901; but it shall not effect the fees, compensation or salary of any officer mentioned in section one hereof, elected prior to the passage of this act; but if a majority of the votes cast on said proposition be against a salary law, then this act shall be void.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 13, 1900. 158L

[House Bill No. 594.]

AN ACT

To create a special school district out of sub-school district No. 5 of Wayne township, Muskingum county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and hereby is created a special district for school purposes in Wayne township, Muskingum county, Ohio, the following described territory, to wit: Being situate in said Wayne township and bounded and described as follows, to wit: Beginning on the north bank of the Muskingum river at the southeast corner in section 10 of said township, of the lands owned by Daniel Border; thence in a northerly direction along the line dividing the lands owned by Daniel Border and John Miller to the northwest corner of lands owned by John Miller in said section 10; thence east along the north line of lands owned by John Miller to the southeast corner of lands owned by Hannah Grace; thence north along the line dividing the lands of Hannah Grace and John Miller to the northwest corner of lands owned by John Miller; thence south along the north line of lands owned by John Miller to the public road and to the southeast corner of lands owned by Louis Soller; thence north along said public road and along the west line of lands owned by Francis Perkins to the northwest corner of the lands owned by Francis Perkins; thence east along the north line of lands owned by Francis Perkins and Jacob Rutledge and along the line dividing sections 18 and 19 of Wayne township to the east line of Wayne township; thence south along the east township line and along the east line of the lands of Jacob Rutledge and the heirs of John Forsythe to the southeast corner of section 19. Thence east along the north line of section 20 in said township along the township line to the east line of said Wayne township and to the northeast corner of lands owned by Joseph McCoyd; thence south along the east line of said Wayne township to the southeast corner of the lands owned by Elizabeth and William Terrel; thence west along the south line of the lands owned by said Elizabeth and William Terrel to the southeast corner of lands owned by Isaac Gander; thence south along the east line of lands owned by Frank Christy to the southeast corner thereof and to the north line of the lands owned by H. S. Finley; thence east along the north line of the lands owned by H. S. Finley to the northeast corner thereof; thence south along the east line of the lands owned by H. S. Finley to the south line of said Wayne township; thence west along the south line of Wayne township to the bank of the Muskingum river; thence in a northwesterly direction along the northeast bank of the Muskingum river to the southeast corner of lands owned by Daniel Border, being the place of beginning and being the territory included within what is known as subdistrict No. 5 of said Wayne township, Muskingum county, Ohio.

SECTION 2. The board of education for said school district shall consist of three directors and that the electors of said special district shall meet at the time provided by law for the election of directors for township boards of education and shall elect three directors, one to serve for one year, one for two years and one for three years, unless this act should not be passed until after the time fixed for the annual election of members of the township board of education, then said electors shall meet within ten days after the passage of this act and elect three mem-

bers, one to serve until the first annual election for members of school boards after said election, one to serve until the second annual election and one to serve until the third annual election after the psasage of this act, and each year thereafter shall elect one member to serve for the period of three years.

SECTION 3. The creation of said special district shall in no way interfere with the school levy for the present school year, and that the employment of teachers by the township school board of education already made shall in no way be affected by this act. But the school levy for the next school year which is made upon the third Monday of April shall be made by the board of education for said special district and the said subdistrict No. 5 of said Wayne township is hereby abolished and a special district created out of said territory.

SECTION 4. The secretary of state shall deposit with the clerk of the board of education of said Wayne township a certified copy of this act and that said township board of education shall be controlled thereby.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 159L

[House Bill No. 510.]

AN ACT

To authorize the trustees of Washington township, Franklin county, Ohio, to levy a tax and erect a soldiers' monument in Odd Fellows' cemetery, at Dublin, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of township trustees of Washington township, Franklin county, Ohio, be and are hereby authorized to erect a monument in Odd Fellows' cemetery in said township, to the memory of soldiers who served in wars for the defense of their country, which monument shall not cost to exceed $1,000, and said trustees are authorized to levy a tax not to exceed two mills on the dollar on all taxable property in said township, in addition to all other levies, to raise said fund, said taxes to be levied and collected the same as other taxes are levied and collected.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 160L

[House Bill No. 434.]

AN ACT

To create an additional voting precinct in Clay township, Gallia county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby created and established in Clay township, Gallia county, Ohio [an] additional voting precinct, comprising the territory included within the bounds of the incorporated village of Chambersburg in said township, a plat of which is on record in the recorder's office of said county and to which reference is here made for complete description, said precinct to be known as Clay precinct.

SECTION 2. There shall be elected (or appointed) and qualified for said new voting precinct the same number and kind of election officers as are provided for other similar legally constituted election precincts in the state and county, and the officers therefor shall be elected (or appointed) and qualified in the same manner, and in all respects it shall be treated and governed as other election precincts.

SECTION 3. This act shall take effect and be in force on and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 161L

[House Bill No. 545.]

AN ACT

To increase the salary of township trustees in Madison township, Richland county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That each township trustee in Madison township, Richland county, Ohio, shall be entitled to receive one dollar and fifty cents for each day's service performed in the discharge of his duties in relation to partition fences, to be paid in equal proportions by the parties, and one dollar and fifty cents for each days' service in attending to the business of the township, to be paid out of the township treasury; but in no year shall the compensation of any trustee exceed three hundred dollars, to be paid out of the township treasury, including all services in connection with the poor and public highways; and each trustee shall present an itemized statement of his account for services and per diem, and the same shall be filed with the clerk of the township, and by him preserved for inspection by any person interested.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 162L

[House Bill No. 353.]

AN ACT

To authorize the commissioners of Pike county to levy a tax for general county purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Pike county, Ohio, be and are hereby authorized in the years 1900, 1901, 1902, 1903 and 1904, to levy a tax on all the taxable property of said county for general purposes, an amount not exceeding five-tenths (5-10) of one mill each year, in addition to the amount now authorized to be levied for said purposes, the same to be entered upon the grand duplicate of said county, and collected in the same manner as other taxes are collected; provided, that during said years, the levies made by said board of commissioners shall not in the aggregate exceed the amounts now fixed by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 163L

[House Bill No. 597.]

AN ACT

To increase the salary of the township trustees in Perry and Lexington townships, Stark county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township trustees of Perry and Lexington townships, Stark county, Ohio, may receive as compensation, at one dollar and fifty cents for each day's service, a sum not to exceed three hundred dollars each, in any one year, to be paid out of the township treasury, including service in connection with the poor.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 164L

[House Bill No. 442.]

AN ACT

To authorize the county commissioners of Coshocton county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of the county of Coshocton and state of Ohio, be and are hereby authorized to transfer one

thousand ($1,000) dollars from the poor fund to the bridge fund; one thousand ($1,000) dollars from the poor fund to the road fund and five thousand ($5,000) dollars from the poor fund to the county fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 165L

[House Bill No. 335.]

AN ACT

To supplement section eight (8) of an act entitled "An act to authorize the commissioners of Greene county to issue bonds and for the government of the workhouse," passed March 10, 1886.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section eight (8) of an act entitled "An act to authorize the commissioners of Greene county to issue bonds and for the government of the workhouse," passed March 10, 1886 (83 O. L., 265), be supplemented by the following section:

Sec. 8*a*. The board of directors of the workhouse shall have power to establish rules and regulations under which and specify the conditions on which any prisoner may be allowed to go upon parole outside of the building and enclosures, but to remain, while on parole, in the legal custody and under the control of the board, and subject at any time to be taken back within the enclosure of said institution; and full power to enforce such laws, regulations and conditions and to retake and reimprison any convict so upon parole, is hereby conferred upon said board, whose written order, certified by its secretary, shall be a sufficient warrant for all officers named therein, to authorize such officer to return to actual custody, any conditionally released or paroled prisoner, and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process and said board may employ or authorize any person or persons to see that the conditions of said paroles are not violated, and in case of such violation to return such prisoner to said workhouse, and the time between the violation of the conditions of such parole or conditioned release (by whatever name) as entered by order of the board in the record of its meetings, and the reimprisonment or return of such prisoner, shall not be counted as any part or portion of time served under any sentence; and any prisoner at large upon such parole who fails to return to the actual custody of workhouse as may be specified as one of the conditions of his parole, or commits a fresh crime, and is convicted thereof, shall be, on the order of said board, treated as an escaped prisoner and subject to the penalties named in section two thousand one hundred and three (2103) of the Revised Statutes.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 166L

[House Bill No. 587.]

AN ACT

To authorize the county commissioners of Lucas county, Ohio, to appropriate not to exceed the sum of three thousand dollars towards the erection of a monument to perpetuate the memory of the soldiers and sailors of the civil war who fought to preserve the union.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Lucas county be, and they are hereby authorized and empowered to appropriate from the general funds of said county not to exceed the sum of three thousand dollars ($3,000), and expend the same towards the erection of a suitable monument in Woodlawn cemetery in said county, in perpetuation of the memory of the soldiers and sailors who fought to preserve the union in the civil war of 1861-1865.

SECTION 2. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 167L

[House Bill No. 418.]

AN ACT

To reimburse F. F. Smith, treasurer of Holmes county, Ohio.

WHEREAS, The treasury of Holmes county, Ohio, was on the night of November 24th, 1898, broken open and burglarized of public funds to the amount of one hundred and twenty-four dollars and sixty-six cents ($124.66); therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of Holmes county, Ohio, shall, and he is hereby authorized and required to draw his warrant as such auditor on the treasurer of said Holmes county for the sum of one hundred and twenty-four dollars and sixty-six cents ($124.66) to be paid out of the general fund of said county in favor of F. F. Smith, to reimburse him for the money stolen to the said amount from the vaults of the treasury of said Holmes county within the incumbency of said F. F. Smith as treasurer of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 168L

[House Bill No. 435.]

AN ACT

To amend an act entitled "An act to incorporate the Presbyterian congregation of Short Creek, in the county of Jefferson, state of Ohio," passed February 24th, 1834, and amended in the winter of 1835, changing the name from that of the Presbyterian congregation of Short Creek, to that of the First Presbyterian church, of Mt. Pleasant, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the fourth section of the above recited act be amended as follows:

[Sec. 4.] That the members of said corporation and their associates shall meet on the fourth Monday of March, 1900, and elect by ballot, three trustees, one for one year, one for two years and one for three years; a secretary for one year, and a treasurer for one year, and annually thereafter on the fourth Monday of March, shall elect by ballot one trustee to serve three years, a secretary and treasurer, and each to serve until the election of his successor, but in case of a failure to hold a meeting as above required, the trustees may call a meeting at such time and place as they may think necessary for the election of officers, or other business. Said trustees shall have power to make such rules, regulations and by-laws as they may deem advisable; provided, they be consistent with constitution and laws of the United States and of the state of Ohio.

SECTION 2. That the fourth section of the above recited act be and is hereby repealed.

A. G. REYNOLDS,
Speaker of the House of Representatives.

President of the Senate.

Passed ——— —, 1900. 169L

[House Bill No. 236.]

AN ACT

To create a judicial court fund in Guernsey county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Guernsey county are hereby authorized to levy not to exceed one mill on the dollar on the

taxable property of said county for the purpose of creating a judicial and court fund.

SECTION 2. Said fund shall be expended as follows: The judicial or court fund shall be expended for the payment of all court expenses and all the expenses of the various courts of the county that are now paid out of the general fund of the county, and in case at any time said fund should become inadequate by reason of some extraordinary expense, then the general fund of the county shall be drawn upon for payment of such expenses.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 170L

[House Bill No. 570.]

AN ACT

For the relief of Robert Treffinger, treasurer of the township of Franklin, county of Columbiana, and state of Ohio, and ex officio treasurer of the board of education and school funds of said township.

WHEREAS, On the 21st day of October, 1898, Robert Treffinger was the treasurer of the said township of Franklin, county of Columbiana, and state of Ohio, and ex officio treasurer of the school funds of said township, and as such treasurer had on deposit with and in the First National bank of New Lisbon, Ohio, the sum of $2,195.19, [$1,469.01] thereof being township funds and $726.18 thereof being school funds of said township.

WHEREAS, On the 21st day of October, 1898, the doors of said bank were closed by order of the comptroller of the currency of the United States, who caused an examination of the affairs of said bank to be made by a legally appointed examiner of banking institutions under the laws of the United States, and after making said examination the said examiner made report thereof to said comptroller, who thereupon and on or about the 1st day of November, 1898, declared said bank to be insolvent, and appointed a receiver to wind up the affairs of said bank, and said bank was not opened from the time the same was closed by order of said comptroller until the appointment and qualification of said receiver, which was on November 12, 1898.

WHEREAS, The said receiver of said bank will not be able to realize on the assets thereof coming into his hands a sufficient amount to pay the liabilities of said bank in full.

WHEREAS, Said receiver of said bank has already declared and paid a dividend of forty per cent. upon the indebtedness of said bank, and may pay a further dividend thereon of from ten to twenty-five per cent.

WHEREAS, There was no banking institution in said township of Franklin, and said Robert Treffinger, treasurer as aforesaid, was not furnished a safe in which to keep said funds.

WHEREAS, The said First National bank of New Lisbon, Ohio, located at Lisbon (formerly New Lisbon), Ohio, had been in existence as a banking institution under the laws of the United States since 1874, and did a large and seemingly prosperous banking business, had on deposit a large amount of money, and enjoyed the confidence of the people in the community in which it did business, and by its reports to the comptroller of the currency and published in the newspapers at said Lisbon, Ohio, sworn to by its cashier and certified by its directors, said bank was apparently doing a large and prosperous business, and was apparently solvent.

WHEREAS, There is in the treasury of said township of the township and school funds thereof, sufficient funds that it will not be necessary to levy additional tax to carry into effect the provisions of this act.

WHEREAS, One hundred per cent. of the electors and 96 per cent. of the tax payers of said township have by their petition expressed a desire to have said Robert Treffinger and his sureties upon his official bonds as treasurer of said township and as treasurer of said school funds, released from any loss or liabilities growing out of the failure of said banking institution; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Robert Treffinger, late treasurer of the township of Franklin, county of Columbiana, and state of Ohio, and ex-officio treasurer of the school funds of said township, and the sureties upon his official bonds as such treasurers, be and the same hereby are relieved from the payment to said township or to the board of education of said township, to either or any of the said officers thereof, of whatever part of said sum of $2,195.19 shall remain unpaid to the said Robert Treffinger from the said receiver of the said First National bank of New Lisbon (Lisbon), Ohio, upon the settlement of its affairs.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 171L

[House Bill No. 275.]

AN ACT

For the relief of James D. Ermston of Hamilton county.

WHEREAS, James D. Ermston was appointed to the position of prosecuting attorney of the police court of the city of Cincinnati, Hamilton county, Ohio, upon the 5th day of July, A. D. 1897, by the mayor of said city; and

WHEREAS, The said James D. Ermston served in the position of prosecuting attorney from the said 5th day of July to the 8th day of December, A. D. 1897, for a period of one hundred and twenty-two days; and

WHEREAS, Pending the final disposition of the case of the state of Ohio ex. rel. William H. Leudeas vs. James D. Ermston, reported in vol. 14, page 614, of the Ohio circuit court reports and vol. 57, page 665, of the Ohio supreme court state reports, the said James D. Ermston did not draw nor attempt to draw the salary of said office either from the city of Cincinnati or the county of Hamilton; and

WHEREAS, The ordinance of the city of Cincinnati provides for the payment to the incumbent of said office the annual salary of twenty-two hundred dollars; and whereas, the said James D. Ermston served in said position for the said period of one hundred and twenty-two days without pay; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of legislation of the said city of Cincinnati be and hereby is authorized to pass an ordinance providing for the payment to said James D. Ermston by the said city of Cincinnati the sum of seven hundred and thirty-four dollars and forty-four cents in favor of said James D. Ermston in full payment for his said services for said period at the rate and sum of six dollars and two cents per day, the same to be paid out of the contingent fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 172L

[House Bill No. 625.]

AN ACT

To transfer funds from the poor fund of Pleasant township, Brown county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of township trustees of Pleasant township, Brown county, Ohio, be and are hereby authorized to transfer the sum of one thousand dollars ($1,000) from the poor fund of said township, to be apportioned among the respective funds of the township as follows: To the general fund of said township, two hundred dollars ($200); to the road fund of said township, four hundred dollars ($400); and the remainder to such other funds as the trustees may determine.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 173L

[House Bill No. 483.]

AN ACT

To authorize the commissioners of Coshocton county, Ohio, to transfer twelve hundred dollars from the general bridge fund of Coshocton county, to the Denman special bridge fund.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Coshocton county, Ohio, be and are hereby authorized and empowered to transfer the sum of twelve hundred dollars from the general bridge fund of said county to the Denman special bridge fund, to pay the excess of cost of constructing a bridge across the Walhonding river at what is known as Denman's ford, in Bethlehem township in said county, over and above the amount authorized by the general assembly, by act passed March 10, 1891.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 174L

[House Bill No. 496.]

AN ACT

To authorize the township trustees of Jefferson township, Clinton county, Ohio, to pay Emma Dimmett certain funds in the hands of the township treasurer.

WHEREAS, The board of township trustees of Jefferson township, Clinton county, Ohio, did at a regular session of said board of trustees, held in April, 1899, certify to the county commissioners of Clinton county, William M. Dimmett, a resident of said township, as being an indigent, blind person entitled to one hundred dollars ($100) relief under the provisions of section 1491*a* of the Revised Statutes of Ohio; and

WHEREAS, The board of county commissioners, pursuant to said certification above stated, did, at their regular meeting for fixing the tax levy for Clinton county, held in June, 1899, make a levy upon the taxable property of said Jefferson township for one hundred dollars ($100) for the relief of the said William M. Dimmett; and

WHEREAS, The said William M. Dimmett died August 6th, 1899, before said taxes were collected by the treasurer of said Clinton county, Ohio, and remitted to the treasurer of said Jefferson township, as provided in section 1491*a* of the Revised Statutes of Ohio; and

WHEREAS, The said William M. Dimmett was for a long time prior to his death, entirely dependant and required the constant care and attention of some person; and

WHEREAS, Emma Dimmett took care of him, furnished medical attention and provided for his funeral at his death; and

WHEREAS, The board of township trustees of said Jefferson township, Clinton county, Ohio, is under a moral obligation to reimburse said Emma Dimmett for the care and attention and expenses in behalf of the said William M. Dimmett; now therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township trustees of said Jefferson township, Clinton county, Ohio, be and they are hereby authorized to pay to Emma Dimmett said sum of one hundred dollars ($100) levied by said county commissioners of Clinton county, Ohio, as stated in above preamble, or so much thereof as may remain in the hands of the township treasurer to the credit of said fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 175L

[House Bill No. 722.]

AN ACT

To amend section 12 of an act entitled "An act to aid in the establishment and maintenance of a combined normal and industrial department at Wilberforce university, Greene county, Ohio."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section twelve of an act entitled "An act to aid in the establishment and maintenance of a combined normal and industrial department at Wilberforce university, Green county, Ohio," as passed April 16th, 1896 (vol. 92 O .L., 156), be amended so as to read as follows:

Sec. 12. For the purpose of carrying out the provisions of this act there shall be levied annually a tax on the grand list of taxable property of the state, which shall be collected in the same manner as other state taxes, and the proceeds of which shall constitute "the fund of the combined normal and industrial department at Wilberforce university." The rate of such levy shall be designated by the general assembly at least once in two years, and if the general assembly shall fail to designate the rate for any year, the same shall be for the said fund of the "combined normal and industrial department of Wilberforce university" two-hundredths of one mill upon each dollar valuation of such taxable property for the year 1900 and one-hundredth of one mill thereafter. The same shall be paid to the treasurer of the normal and industrial department at Wilberforce university in accordance with the provisions of section twelve of said act. All revenue arising from tuitions, sales of products or otherwise under the aforesaid department shall be applied by its board of trustees to defray its expenses, or to increase its efficiency, a strict account of which shall be kept by the department board, and accompany the report to the governor.

SECTION 2. Said original section twelve is hereby repealed and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 176L

[House Bill No. 641.]

AN ACT

Relating to the duties and fixing of the salaries of county officers in Fayette county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Fayette county the compensation of the probate judge, clerk of the court of common pleas, county auditor, county treasurer, sheriff, county recorder, prosecuting attorney, county commissioners, county surveyor and infirmary directors hereafter elected shall be by annual salary, except as otherwise provided in this act, to be paid as follows: Probate judge, eighteen hundred dollars; clerk of the court of common pleas, fifteen hundred dollars; county auditor, eighteen hundred dollars; county treasurer, one thousand seven hundred and fifty dollars; sheriff, eighteen hundred dollars; county recorder, nine hundred dollars; prosecuting attorney, seven hundred dollars, and said prosecuting attorney shall receive no additional compensation for any services he may render in any cases wherein the county commissioners, the county or any officer thereof, trustees of any township, or the board of education of any township, village or special school district within said county of Fayette are parties, except as herein provided in this act; county commissioners, five hundred dollars each; infirmary directors, one hundred dollars each; the surveyor, seven hundred and twenty dollars; coroner, one hundred dollars; and said salaries to be paid in equal monthly installments, except as hereinafter provided. And all services rendered by the surveyor under the order of the probate, common pleas, or circuit courts of said county, or by the board of county commissioners of said county is hereby declared to be a part of his official duties for which he shall receive no further pay than is prescribed in this section.

SECTION 2. All fees, costs, percentages, penalties, allowances and other perquisites which are now and may hereafter be allowed by law for the performance of official duties by any officer mentioned in section one, shall, when collected, be for the sole use of the county, except as otherwise provided in this act, and the total receipts thereof by each of said officers shall be paid by him to the county treasurer at the close of the business of the last secular day of each month, and to be duly accounted for by the treasurer, and each of said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites, that accrue to his said office each day and the amount received thereof by him each day and by whom paid, and the amount due and unpaid, and also the name of each person or party liable for any parts of such as are due and unpaid, and the amount due from each; but such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, or which may hereafter institute, shall not be deemed to be earned or to have accrued within the meaning of this act until final judgment.

SECTION 3. Each officer mentioned in section one shall, on the first business day of each month, file with the county commissioners a statement, verified by his affidavit, showing the full receipts daily received by him for the preceding month and the total for the month from each of the sources specified in the preceding section, and also a statement verified as aforesaid, showing the full amount of all fees, costs, percent-

ages, penalties, allowances and other perquisites accrued to his office and remaining unpaid, with the name of each person or party liable for any part thereof, and the amount due from each; and each statement after the first, of amounts due and unpaid, shall begin with a showing of the amount theretofore reported due and unpaid, and what portion thereof has been paid since the last report. On the day his term of office expires he shall file with the commissioners like statements showing such receipts daily since his last statement, and the amounts due and unpaid up to that time.

SECTION 4. The county auditor, on the first Monday of each month, on the order of the county commissioners, shall issue to each of said officers an order or warrant on the county treasurer for the installment of salary due such officer for the preceding month; but no order or warrant shall be issued to the probate judge, clerk of the court of common pleas, or county recorder for any sum in excess of the amounts collected and paid in by them, respectively, up to that date, after deducting all sums heretofore by them respectively drawn out; but if, on the expiration of the term of office of any probate judge, clerk of the court of common pleas or county recorder, his salary should not have been fully paid, and any costs, perquisites or allowances earned by him still remain unpaid, an order or warrant may be issued to him at any time after the expiration of his term of office for such balance, after the same shall have been collected, by his successor and paid into the county treasury.

SECTION 5. All statements required by the preceding section to be filed with the county commissioners, shall be carefully preserved by them and shall be subject to public inspection during all official hours; and the account books provided for by section four shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer mentioned in section one, shall be turned over to his successor in office.

SECTION 6. Each officer mentioned in section one shall exercise due diligence in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at any time they are earned; but the county commissioners may by order entered on their journal and certified to the treasurer, extend the time for enforcement of penalties for the non-payment of taxes within the time limited by law, and the treasurer shall not be required to report to the commissioners in his statement, as required by section three, the penalties allowed by law on taxes collected, except in such statements next following his semi-annual settlement with the auditor.

SECTION 7. It shall be the duty of the county commissioners to see that the provisions of this act are carefully complied with, and they shall during the month of September of each year employ two competent persons at a compensation not exceeding two ($2) dollars per day, to ascertain by examination whether the books and accounts of the officers mentioned in section one are legally and correctly kept, and whether the statements that are required by this act to be made to the commissioners are correct and whether said officers have, in all respects, performed their duties as required therein; and such persons so employed shall be opposite in politics and the executive committees of the two political parties casting the highest vote at the last preceding state election in said county shall have the right, on or before the first day of September in each year to designate the said person so to be employed,

each of said committee choosing one, but in case no such designation is made by said committee, then the said county commissioners shall employ two competent, skillful persons of their own selection. Said persons so employed shall have access to all the books, records, papers and vouchers of the various county offices and shall have power to subpoena and examine witnesses under oath, and shall have the same power as the justice of the peace to compel the attendance of witnesses. They shall make a report in writing which shall be filed with the county commissioners. If it appear from such report that any of said accounts, reports, records and vouchers of the county commissioners herein are incorrect in any respect or that any such officers have received improper payments out of the county treasury or have failed to report all collections made by them and money which has come into their hands by virtue of their respective offices or to properly keep the accounts and records of their respective offices as herein provided, it shall become and is hereby made the duty of the prosecuting attorney to at once institute suits upon the official bond of such delinquent officers as the nature and character of the case may require, and all recoveries made by him upon such suits shall be paid into the county treasury to the credit of the general or county fund.

SECTION 8. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county; and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 9. Nothing in this act shall be construed to vest in any officer mentioned in section one, such fees, costs, percentages, penalties, allowances or other perquisites as are unpaid at the end of their respective official terms; but the same shall be the property of the county, to be collected by their successors in office and applied as provided in this act; but fees, costs, percentages, penalties, allowances and other perquisites that accrued to said officers prior to the taking effect of this act, shall not be affected thereby.

SECTION 10. The county auditor, in addition to the salary hereinbefore provided, shall in the year of the decennial appraisement of real estate, receive such additional compensation, not exceeding three hundred dollars, for services connected with such appraisement, as the county commissioners may deem just.

SECTION 11. The sheriff, auditor, probate judge, treasurer, prosecuting attorney, surveyor and each commissioner, when necessary to go out of the county on official business connected with their respective duties, may each, in addition to his salary, charge and receive his actual necessary expenses of transportation from and returning to his place of residence while so engaged in such official business, and no more; which expenses shall be paid by the county on the warrant of the auditor, but such officer shall present to the auditor an itemized account for such expenses, approved in writing, endorsed thereon by the prosecuting attorney and also by the commissioners, before any such warrant shall be issued by the auditor. In addition to the salary hereinbefore provided, the sheriff shall be entitled to the costs, fees, and allowances for transportation of prisoners to any of the penal or reformatory institutions, or hospitals or asylums of the state, but he shall be required to pay them into the treasury as hereinbefore provided, and draw the same therefrom on the warrant of the county auditor. And said sheriff shall also be entitled to the compensation for sustenance of persons in the county jail;

but no such payment of fees and allowances or sustenance of persons in the county jail shall be made to said sheriff until said auditor is first presented with an itemized statement or account thereof, approved in writing by the prosecuting attorney of the county, and also by the county commissioners.

SECTION 12. All accounts of costs and fees due to any of the officers named in section one of this act, which remain unpaid for the period of one year, shall, by such officer be transferred to the prosecuting attorney of such county for collection, who shall, on the first Monday in each month, pay over to the officer for whom the collection is made, all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount so paid over and enter a statement of such payment on the books of his office. The prosecuting attorney shall receive five per cent. of all amounts so by him collected to be paid by him into the county treasury, with his other fees as hereinbefore provided, and drawn out only on the warrant or order of the county auditor.

SECTION 13. If any officer mentioned in section one wilfully fails or refuses to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof, or wilfully makes any false or fraudulent showing in any statement thereof required of him or in any account book provided for herein, he shall be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one year nor more than five years, or both; and if any deputy, clerk or employe wilfully violates any provisions in this act, he shall be fined not more than five hundred dollars, or be imprisoned in the county jail not less than three months nor more than one year, or both. The aforesaid penalties against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall be paid into the county treasury to the credit of the general fund of the county.

SECTION 14. The official bond required by law heretofore or hereafter taken from any of said officers, shall be deemed to make the parties to the same liable for any violation on the part of the officer for whom they are sureties, of any of the provisions of this act, and for the faithful performance of all the duties required hereby; but upon the taking effect of this act the county commissioners may, in their discretion, require from any or all of the officers mentioned in section 1 hereof, a new and additional official bond, with sufficient sureties, to be conditioned that such officers shall discharge the duties of their respective offices according to law.

SECTION 15. Any provision of statute in force when this act takes effect which conflicts with any of the provisions of this act, shall, to the extent that [it] is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to the officers described herein; but other provisions of statute so in force relating to the county officers and county affairs shall not be affected by this act.

SECTION 16. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900.

177L

[House Bill No. 812.]

AN ACT

To regulate and improve the civil service in certain departments within cities of the first grade of the second class.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in cities of the first grade of the second class, the mayor shall within thirty days after the passage of this act, appoint four persons to constitute a civil service commission. Such commissioners shall have been electors and residents of such cities for two years prior to their appointment. They shall serve, one until the expiration of four years, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the first day of September, 1900, and until their respective successors are appointed and qualified; and in the year 1901, and in every year thereafter, the mayor of such cities shall appoint, in the month of August, one person to serve as such commissioner for four years from the first day of September, and until his successor is appointed and qualified. Any vacancy in the office of commissioner shall be filled for the unexpired term by appointment as above provided. All appointments, both original and to fill vacancies, shall be so made that not more than two commissioners shall be members of the same political party, and the original appointment shall be made so that the commissioners appointed for the terms of one and three years, respectively, shall not be members of the same political party as the commissioners appointed for the terms of two and four years respectively. The mayor may remove any commissioner for incompetence, neglect of duty, malfeasance in office, habitual drunkenness or gross immorality; and any manifest failure on the part of any commissioner to enforce the provisions of this act, according to its true intent and purpose, shall be deemed incompetency, and when the removal of any commissioner is made the mayor shall file a written statement of the cause, or causes, for such removal with the clerk of said commission, and the same shall be recorded in the records hereinafter provided. Said commissioners shall hold no other public office or employment. Each commissioner shall receive compensation for every day of actual service necessary to the discharge of his duties under this act at the rate of five dollars per day; provided that no commissioner shall receive more than two hundred and fifty dollars per annum.

SECTION 2. The commission shall classify all of the employes of the departments of public improvements, and public safety, in the service of said cities. Said commission shall also at any time classify any other offices or places of employment in any other department of the city service upon proper authorization from the council of said cities. But the classified service of said city shall not include the positions of officers who are the departmental heads of such city or stenographers thereof.

SECTION 3. The said commission shall have power to and shall forthwith make rules to carry out the purposes of this act, and for regulating examinations and appointments to fill any and all vacancies in the classified services of such city, in accordance with its provisions. After the expiration of forty days from and after the time limited by

section 1 of this act for the appointment of the commission of such city, no person shall be appointed, selected or employed to fill any vacancy in any position in the service of such city required by section 2 of this act to be classified, except pursuant to the provisions of this act and of such rules. It shall be the duty of all persons in the service of the city to aid in all proper ways in carrying the rules of the commission into effect.

SECTION 4. All applicants for admission into the classified service of such city shall be subject to examination, which shall be competitive, public and open to all citizens of Ohio who shall have been residents in such city at least one year prior thereto, with special limitations as to age, health, habits and moral character (said examination as to health being under the supervision of physicians), and shall relate to those matters which shall fairly test the relative capacity of the persons examined to discharge the duties of the positions which they seek, and may include tests of physical qualifications and health, and, when appropriate, of manual skill. The examinations of applicants for employment as laborers classified shall relate to their capacity for labor, their habits as to industry and sobriety, and their experience in and knowledge of the kind of work for which they apply. No question in any examination shall relate to political or religious opinions or affiliations. The rules to be made by the commission shall provide, so far as the conditions of good administration may warrant, for filling vacancies in any grade above the lowest, by promotion, on a basis of ascertained merit and seniority in service and examination; and, to that end, shall hold public competitive examination for promotion, open to members of the next lower grade, and for giving due credit, in the making [marking] of competitors, for length of service and for ascertained merit in service.

SECTION 5. In case of any vacancy in the classified service of said city, notice shall be given the commission by the appointing power of said vacancy, and thereupon the commission shall certify in writing to the appointing power, the names, addresses and grades of the candidates, not exceeding three in number for any such vacancy, whose names shall stand highest on the appropriate register, and it shall then be the duty of the appointing power to appoint on probation, to fill such vacancy, one of the said candidates whose name shall have been so certified. Provided, however, that if the appointing power satisfies the commission that there is reasonable ground for the belief that any candidate so certified is morally unfit, his name shall be stricken from the register and another name shall be certified in its place in like manner. No appointment, promotion or removal in the classified service shall be influenced in any manner by the political or religious affiliation or opinions of any such candidate.

SECTION 6. No officer or employe within the classified service of any such city shall be removed, reduced in rank or discharged, except from some cause relating to his moral character or his suitableness to perform the duties of his position, though he may be suspended from duty for a period not exceeding thirty days pending the investigation of any charge against him. Provided, however, that if the head of any department does remove or suspend any officer or employe of such department, it shall be by written order giving the reasons therefor, and such written order shall be recorded in the records of the department, and a copy thereof filed with the mayor; and provided, however, that

any officer or employe removed or suspended, may appeal from such order of removal or suspension to the civil service commission for trial, upon which appeal said commission shall require the causes of such removal or suspension to be certified to [it] in writing, with specifications signed for such removal or suspension, which specifications shall be signed by the person perfecting [preferring] the charge. A copy of said charges as specified shall be thereupon served on the accused at least five days, before the hearing thereon, and the accused shall have the right to meet the witnesses face to face and to have compulsory process to procure the attendance of witnesses in his behalf, and to require a speedy trial and the production in evidence of books, papers and records in his behalf. Said commission shall forthwith, and within ten days sit as a tribunal for the trial of the accused and shall have full power to pass upon the same and fix the punishment of the accused, and the action of the commission shall not be subject to reversal by any appellate tribunal or court, in holding any such investigation or inquiry, or any other investigation or inquiry under this act; the commission shall have power to subpoena, on behalf of the city, the attendance and testimony of witnesses, and the production of books and papers pertinent to the subject matter of such investigation or inquiry, and to administer oaths and affirmations; and witnesses, and officers to subpoena and secure the attendance of witnesses, shall be entitled to like fees and mileage as are allowed by law for like services in proceedings before courts of common pleas. Such fees shall be paid out of any money in the city treasury not otherwise appropriated, and need not be repaid, but the city auditor shall draw his warrant for the payment of the amount thereof when the same shall have been duly certified. Disobedience of any such subpoena lawfully issued and duly served, or refusal of a witness to be sworn or to answer as a witness when lawfully ordered, may be reported by the commission to the court of common pleas or to the probate court in and for the county in which the commission is sitting at the time, and may by such court be punished as a contempt in like manner as if committed on the trial of an action before such court. Subpoenas may be signed and oaths administered by any commissioner.

SECTION 7. Such commission may designate persons in the official service of the city who shall, with the consent of the head of the department or office in which such persons serve, act as examiners in any examination, but without special compensation; or it may appoint as such examiners persons not in office. The commission may themselves at any time act as such examiners, and without appointing examiners. At no examination shall all the examiners be members of the same political party. Said commission shall have a sufficient and suitable office and rooms for the fulfillment of its duties and holding examinations. The cost and charge of the salaries of the commissioners and the expense of rent and supplies incurred by said commission for its use, shall be borne and paid by such city out of its general fund, upon vouchers of such commission, certified by that commissioner whom the commission may choose as its presiding officer, specifying in every voucher the actual services, items of supplies and prices and rates in detail; which shall be allowed by the city auditor, and upon his warrant paid by the city treasurer of such city. Said commission shall appoint a secretary who shall perform such duties as shall be necessary to carry out the pro-

visions of this act, for which services he shall receive as compensation the sum of five hundred dollars per annum.

SECTION 8. The body, board or commission in which is vested the legislative power and authority of the city school district, or of any public library of such city, may by resolution provide that any class or classes of workmen, janitors, or other appointees or employes of such school district or library board shall for the purposes of this act be treated as part of the classified service of such city. If the power of selection to fill positions in any such class or classes specified in such resolution be vested by law, in any officer or officers other than such legislative body, such resolution shall not take effect as to such class or classes without the approval of such officer or officers. Upon its taking effect, all provisions of this act relating to the classified service of such city shall be applicable to the classes of employes specified in the resolution, and the power and duties of the commission of such city shall extend thereto, and the expenses of the commission incurred in connection therewith shall be paid by the board of education or library board.

SECTION 9. Any person who shall wilfully violate any of the provisions of this act, or any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not less than fifty dollars, and not exceeding one thousand dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

SECTION 10. All acts and parts of acts, so far as inconsistent herewith, are hereby repealed; and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS.
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 178L

[House Bill No. 378.]

AN ACT

To amend an act passed April 13th, 1894, entitled "An act to provide an official stenographer for the counties of Jefferson and Harrison, in the third subdivision of the eighth judicial district" (Ohio laws, vol. 91, pages 621 and 622).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act to provide an official stenographer for the counties of Jefferson and Harrison, in the third subdivision of the eighth judicial district of Ohio," passed April 13th, 1894, be and the same is hereby amended to read as follows:

Sec. 1. That the resident judge of the court of common pleas of the third subdivision of the eighth judicial district of Ohio, in each of the counties of Jefferson and Harrison, or if there be no such resident judge, then the common pleas judge of such subdivision holding court therein, shall immediately upon the passage of this act, appoint for such county an official stenographer, who shall be a resident of the county,

and who shall have his office in the court-house of said county, which said office and the necessary stationery for use of said stenographer shall be furnished by the county commissioners of the county. Said stenographer shall not, during the term of his said office, as provided for in the next section, be the partner, clerk or student of any attorney residing or practicing in said county.

Sec. 2. That said stenographer shall hold his office for the term of three years from and after the date of his appointment, and until his successor shall be appointed and qualified, unless sooner removed by the court for neglect of duty or misconduct or incompetency. Such official stenographer shall, before entering upon the duties of his office, take an oath that he will faithfully perform the duties of the same. He shall receive a salary of five hundred dollars per annum, payable quarterly out of the treasury of the county for which he is appointed; which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts of said counties; and it shall be the duty of each of the auditors of said counties to issue orders on the county treasurer for the payment of said salary out of the general county fund, upon the presentation to him of a certified copy of the journal entry of the appointment of said stenographer.

Sec. 3. It shall be the duty of such stenographer, whenever requested by the parties litigant or the court, to make, or cause to be made, accurate stenographic notes of the testimony of witnesses, the charge of the court to the jury, all opinions rendered, [and] all such other proceedings as the court or the parties may request or direct in all cases actually tried or heard in either of said courts; and the shorthand notes shall be the property of the county where taken, and be preserved in the office of such stenographer; provided that said stenographer shall always give preference to the common pleas court when in session over either the circuit or probate court unless he shall be excused from so doing by the common pleas judge then holding said session. It shall be the duty of such stenographer to make, or cause to be made, upon the request of either party, his attorney or the court, an accurate transcript into longhand of the notes so taken in the case, or such portions thereof as may be requested, to be paid for by the party or parties so ordering the same, except when ordered by the court by an entry upon the journal, in which event they shall be paid for out of the county treasury; and the cost of said transcript, if used upon appeal or error, to be taxed in the costs and adjudged as the court in which they may be used shall direct; but no transcript of said notes into longhand shall be paid for out of the county treasury in any case, unless the same shall be ordered by journal entry of the court, or judge or judges trying the case, for use of the court or judge or judges; or in criminal cases by the written direction of the prosecuting attorney. All such transcripts so ordered by the court or judge or judges, or by the prosecuting attorney in criminal cases, shall be paid out of the county treasury in which such case is tried, and the clerk of the court shall certify the amount of such transcript, which certificate shall be a sufficient voucher to the auditor of the county upon which he shall draw his warrant upon the county treasury, and when so paid such fees shall be taxed and paid as other costs in the case. Such stenographer shall also make from the dictation of the court, when requested to do so, such shorthand notes and transcribe the same as may be requested in preparing opinions, and in charges to juries, without extra charge or compensation therefor.

Sec. 4. Said stenographer shall receive for making such transcripts of said notes into longhand, for which he is entitled to charge as set forth in section three, or in preparing bills of exceptions embodying such transcripts of testimony, in addition to the salary provided in section two of this act, five cents for each hundred words included in such transcripts or bills of exception, and when more than one such transcript is ordered at the time to be made from the same shorthand notes, the fees for making such additional transcript, or such portion thereof as may be required, shall be one-third the fee allowed for the first copy, and shall be paid for in the same manner. And in every case reported in said courts there shall be taxed for each day's service of such stenographer a fee of three dollars, to be collected as other costs in the case, and when so collected to be by the clerk of the court paid quarterly into the treasury of the county where received.

SECTION 2. The above recited act, passed April 13, 1894, is hereby repealed, and this act shall take effect and be in force from and after thirty days from its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 179L

[House Bill No. 643.]

AN ACT

To authorize cities of the first grade of the second class to issue bonds to pay expenses caused by [any] epidemic of contagious disease and to repay temporary loans made by such cities.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In any city of the first grade of the second class in which the council may have borrowed money to meet the expenses of any epidemic of contagious disease as provided in section 2148 of the Revised Statutes of Ohio, such city may issue and sell the bonds of such city in the same manner provided by law for the issue and sale of other bonds, in a sum sufficient to meet such loans and such other sums as may have been expended by such city in paymentof the expenses made necessary by such epidemics.

SECTION 2. Any bonds so issued shall mature in not more than twenty nor less than ten years from the date of issue.

SECTION 3. This act shall take effect and be in force from and aftre its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 180L

[House Bill No. 704.]

AN ACT

To authorize the commissioners of Logan county to make additional levy.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Logan county, Ohio, are hereby authorized to make a levy of not to exceed four-tenths of a mill on each dollar of appraised valuation in said Logan county, Ohio, in addition to that already authorized by law, for the purpose of defraying expenses of decennial appraisement of 1900.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 181L

[House Bill No. 608.]

AN ACT

To authorize and require the trustees of Jackson and Mifflin townships in Wyandot county, state of Ohio, to improve a certain road on the line between said townships and to use the road tax levied on the Pittsburg, Fort Wayne and Chicago railroad company, paid by the Pennsylvania company and belonging to said townships.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Jackson and Mifflin townships, Wyandot county, state of Ohio, be and are hereby authorized and required to use the road tax levied and collected on the Pittsburg, Fort Wayne and Chicago railroad company, paid by the Pennsylvania company and belonging to said townships, toward macadamizing and improving that part of the north mile of road on the township line between the aforesaid townships south of the corporate limits of the village of Kirby.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 182L

[House Bill No. 680.]

AN ACT

To authorize the board of education of Beallsville special school district in Monroe county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the school board of Beallsville special school district, in Monroe county, Ohio, be and is hereby authorized to transfer

$350 from the contingent fund to the building fund in said special school district.

SECTION 2. This act shall take effect and be in force from and after after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 14, 1960. 183L

[House Bill No. 624.]

AN ACT

To fix the compensation of the county commissioners of Belmont county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Belmont county, Ohio, shall each receive a salary of one thousand ($1,000) dollars per annum, payable in equal monthly installments out of the county treasury upon a warrant of the county auditor; and each commissioner shall devote his entire time, or so much of it as may be necessary to properly discharge the duties of his office, and shall receive nothing in addition to the salary so provided, either directly or indirectly, by way of mileage, per diem, expenses paid out or otherwise, except that when necessary to go out of the county on official business pertaining to their office, each commissioner may, in addition to such salary, receive his actual expenses and no more, which shall before being paid, be presented in an itemized account to and approved in writing by the prosecuting attorney and probate judge.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 14, 1960. 184L

[House Bill No. 840.]

AN ACT

Authorizing the trustees of Canton township, Stark county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Canton township, Stark county, Ohio, are hereby authorized to transfer three thousand ($3,000) dollars from the poor fund to the road fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 185L

[House Bill No. 949.]

AN ACT

For the protection of life and property in cities of the first grade of the first class. [CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the mayor of cities of the first grade of the first class be, and they are hereby authorized to appoint two examiners, whose duties shall be to examine and license stationary engineers, having charge, or who may have charge, of engines and boilers in cities of the first grade of the first class. Not more than one of said examiners shall be of the same political party. Said examiners shall each give bond for the faithful performance of their duties in the sum of two thousand dollars; and may be paid for their services, not to exceed the sum of eighteen hundred dollars each, per annum; and shall be paid from the general fund of said cities, in equal monthly installments. The term of office of said examiners shall be for a term, not to exceed three years.

SECTION 2. That the board of legislation of said cities shall provide by ordinance, such rules and regulations for the examination and licensing of said engineers as shall be consistent with, and provide for, the protection of life and property.

SECTION 3. That any and all acts which conflict with this act, shall not apply to cities of the first grade of the first class.

SECTION 4. This act shall be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 186L

[House Bill No. 566.]

AN ACT

To provide for an official stenographer for the county of Monroe.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the judges of the court of common pleas of the third subdivision of the seventh judicial district of Ohio, shall within

six months from the passage of this act, and every third year thereafter, appoint for the county of Monroe, an official stenographer who shall be a resident of the county. The county commissioners shall provide said stenographer with an office in the court-house of the county, and shall also provide the necessary lights, fuel and stationery for the performance of his or her official duties. Said stenographer shall not during the term of his or her said office, be a relative, partner, clerk or student or regular employe of any attorney residing or practicing in said county.

SECTION 2. Said stenographer shall hold his or her office for the term of three years from and after the date of his or her appointment, and until his or her successor shall be appointed and qualified, unless sooner removed by the court for the neglect of duty, misconduct or incompetency. Said official stenographer shall, before entering upon the duties of said office, take an oath for the faithful performance of the duties thereof. The salary of said stenographer shall be fixed by the judges making said appointment, but shall not exceed five hundred dollars per annum, payable quarterly, out of the county treasury of said county, on the warrant of the county auditor, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts of said county; and it shall be the duty of the auditor of said county to issue warrants on the treasurer for the payment of said salary, as herein provided, out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

SECTION 3. It shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct in all cases actually tried or heard in the circuit, common pleas and probate courts; and the shorthand notes so taken shall be the property of the county, and shall be preserved in the office of the stenographer thereof; provided, that if sessions of the common pleas and circuit courts in said districts are holden on the same days, said stenographer shall give preference to the common pleas court, unless excused by the judge thereof. It shall also be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorney or the court, an accurate transcript into longhand of the notes so taken in any case or proceeding, or such portion thereof as may be requested, to be paid for forthwith by the party ordering the same, but no such transcript of the notes in longhand shall be paid for out of the treasury in any case, unless such transcript shall be ordered by the judge, or judges, trying the case, for his or their own use, and except in criminal cases when requested by the prosecuting attorney, in which said latter case before said transcript shall be paid for out of the county treasury; the bill therefor shall be approved by the court before whom said case was heard or tried. All such transcripts ordered by the judge, or judges, trying the case, and by the prosecuting attorney in criminal cases, shall be paid for out of the county treasury, and the clerk of the court shall certify the amount of such transcripts, which certificates shall be a sufficient voucher to the auditor of the county, upon which he shall draw his warrant upon the county treasurer, and when so paid, such fees shall be taxed and collected as other costs in the case. Such stenographer shall also, without extra

compensation, take down from the dictation of the judge such shorthand notes as may be required by the judge in preparing opinions and charges to juries and transcribe the same into longhand.

SECTION 4. Said stenographer shall receive, for making such transcripts of said notes, into longhand, in addition to said salary, six cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript shall be one-third the fee allowed for the first copy, and when two or more transcripts are so ordered by the parties, the total cost thereof shall be equally divided between the parties so ordering them. And in every case where such stenographic notes are taken, there shall be taxed for each day's service of such stenographer a fee of four dollars, to be collected as other costs in the case, and when so collected, to be paid quarterly into the treasury of the county by the clerk of the court.

SECTION 5. This act shall take effect and be in froce from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 187L

[House Bill No. 715.]

AN ACT

To create a board of sewer commissioners in cities of the first grade of the second class, which boards shall be authorized to alter, repair, construct and complete main trunk sewers, erect pumping stations and construct and install a plant for the disposal of sewage in such cities, and providing for the issuing of the bonds of such cities therefor as herein provided.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in cities of the first grade of the second class the mayor may appoint a commission of four citizens, freeholders of such cities, not more than two of whom shall be of the same political party, who, together with the director of public improvements of such cities, shall constitute a board of sewer commissioners in and for such cities.

SECTION 2. The director of public improvements in such cities shall be the president, ex officio of any such board so appointed, with full authority to vote as other members, and the four appointive members shall each serve for a term of six years, and shall receive a salary of one thousand dollars each per annum. Each member of such board so appointed shall take and subscribe an oath to honestly and faithfully discharge his duties and execute in favor of the city containing such board, a bond in the penal sum of twenty thousand dollars, to be approved by the mayor, conditioned upon the faithful discharge of the duties appertaining to his office as a member of such board.

SECTION 3. Any board of sewer commissioners appointed under

the provisions of this act, shall meet within five days after such appointment, and from day to day thereafter as may be necessary, and prepare plans and specifications for the necessary alteration, repair, construction and completion of the main trunk sewers in the city in which such board is located, by a uniform and consistent system, adequate to the present and future reasonable needs of such city, plans and specifications for any pumping station or stations found necessary for such system of sewers, together with plans and specifications for a plant or plants for the necessary proper sanitary disposal of the sewage of such cities, and shall estimate the entire aggregate cost of the labor, material, art and skill necessary to carry out and execute such plans and specifications to a completion in such city. And the director of public improvements of such city, shall employ such engineers, draughtsmen, clerks, assistants and laborers, under rules and regulations established by such board, at such remuneration therefor as the board may direct, as may be necessary to prepare such plans and specifications, and to alter, repair, complete, construct and install such public works as are provided in such plans and specifications.

SECTION 4. Such boards of sewer commissioners are further authorized to recommend to the council of such cities the creation of such additional sewer districts for lateral and other connecting sewers, the cost of the construction of which shall be assessed upon the real property in such districts according to benefits, as may be necessary in their judgment to carry out a general and uniform system of sewers for such cities.

SECTION 5. Upon the completion and adoption of plans and specifications as provided for in section three of this act by any such board of sewer commissioners, said board shall at once communicate the estimated cost of carrying out the same to the board of public works in such city, and such board of public works and the council of such city shall, by resolution, designate a day within thirty days thereafter, for a special election, at which the question of the issue of the bonds of such city to the amount necessary to carry out such plans and specifications as so estimated, together with the expenses of said board of sewer commissioners in the preparation and supervision of the same, shall be submitted to the electors of such city. A copy of such resolution of said board of public works and council shall be certified to the board of elections of such city, who shall prepare the ballots and make all other necessary arrangements for such special election. Such election shall be held at the regular places of voting in such city, and shall be conducted and the vote canvassed and certified in the same manner, except as otherwise provided by law, as April elections in such cities for the election of officers thereof. Fifteen (15) days' notice of the submission shall be given in one or more newspapers printed in such cities, one a week for two weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued and the time and place of holding the election; and if a majority of the electors voting at such an election upon the question of issuing the said bonds, vote in favor thereof, then and not otherwise said city council shall issue said bonds upon the order of said board of sewer commissioners. Those who vote in favor of the proposition shall have written or printed upon their ballots the words, "For the issue of bonds," and those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds."

SECTION 6. The council of such city so authorized by the electors thereof at such an election, shall be, and hereby are, authorized to issue bonds of such city in the aggregate sum so authorized, payable thirty years after date with interest payable semi-annually, at a rate not to exceed four per centum per annum. Such bonds shall be of such denominations as the council may provide, and shall be numbered serially, beginning with number one, and be issued from time to time as the board of sewer commissioners may direct, and the council of such city shall provide by ordinance for levying a sufficient tax upon all real and personal property within the corporation of such city to pay the interest on such bonds, and create a sinking fund for the redemption thereof through the sinking fund trustees of such city.

SECTION 7. The board of sewer commissioners in cities of the first grade, second class, shall, immediately upon the authorization by the electors in such cities of the issue of the bonds hereinbefore provided for, proceed to the necessary repair, alteration and construction of the main trunk sewers, together with a suitable and proper pumping station or stations, and plant or plants, for the disposal of the sewage, which they may do by contract, or by labor employed directly by the director of public improvements under the rules authorized by the board of sewer commissioners. If, in the judgment of said board of sewer commissioners, such work can be done to the best advantage to the city by contract, such contract or contracts as may be necessary to furnish the requisite material, labor, skill and art, shall be advertised a period of fifteen (15) days in one or more newspapers, once each week for two weeks, to be let by said board to the lowest acceptable bidder, and each bid shall be submitted under conditions prepared by the board, and accompanied by a certified check in such sum as the board may direct; provided, however, that in the installation of plant or plants for the disposal of sewage, the question of effectiveness in a satisfactory sanitary disposal of sewage shall be the deciding element in awarding the contract, or contracts therefor. All contracts shall be filled to the satisfaction of and under the direction of the civil engineer of the board.

SECTION 8. All bills, accounts and pay-rolls for work and labor performed, or material, skill or art furnished, shall be made against such city and audited by the board of sewer commissioners; and the director of accounts shall pay all such bills and accounts from the proceeds of such bonds heretofore provided for after a proper ordinance for such payment shall have been previously ordained by the city council.

SECTION 9. If a majority of the electors voting at such an election upon the question of issuing the said bonds do not vote in favor thereof, then the expenses incurred by said commission before such election shall be paid out of the general expense fund of said city, and the council of such city shall provide for [by] ordinance for the payment of the same, and the terms of such commissioners shall expire ten days after such election.

SECTION 10. If the majority of the electors voting at such an election upon the question of issuing the said bonds, vote in favor thereof, the term of said commissioners shall conclude with the completion of said work, provided that if said work is not fully completed within six years after the appointment of such commissioners, the mayor of such city may appoint their successors, who shall serve until the completion of said work.

SECTION 11. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 188L

[House Bill No. 771.]

AN ACT

To detach certain lands from Lewis township, Brown county, Ohio, and attach the same to Pleasant township, Brown county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township line between Pleasant township and Lewis township, in Brown county, Ohio, be and the same hereby is changed so as to detach the following lands from Lewis township and attach the same to Pleasant township in said county: Beginning at the center of White Oak creek, where the Georgetown and Hamesville free turnpike road crosses the same, thence north 25 degrees, west 320 poles, so as to include the Armleder residence and the buildings on the infirmary farm, to a post in a field; thence east to the center of White Oak creek, and thence down said creek with the center thereof to the beginning.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 189L

[House Bill No. 800.]

AN ACT

To authorize cities of the second grade of the first class to issue bonds for the purpose of building and constructing bridges therein.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any city of the second grade of the first class, in the state of Ohio, be and it is hereby authorized to borrow money in addition to any loans heretofore authorized, in a sum not to exceed three hundred thousand dollars ($300,000) at a rate of interest not to exceed five per centum per annum, payable semi-annually; such sum, or so much thereof as may be needed, to be used solely for the purpose of building and constructing such bridges, foundations and approaches within such city as the council thereof may direct. For the purpose of

effecting such loan, and providing a fund for the purpose aforesaid, any such city is hereby authorized to issue its bonds for the aggregate amount of such loan, or any part thereof, in such denominations or amounts, and payable at such time or times and at such rate of interest, not exceeding the amount herein specified, as the council of such city may determine, said bonds, except as indicated in the foregoing, shall conform to the requirements of chapter 2, division 9, title 12, of the Revised Statutes of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 190L

[House Bill No. 801.]

AN ACT

To authorize cities of the first class, second grade, to issue bonds for the purpose of building and constructing bridges therein.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any city of the second grade of the first class, in the state of Ohio, be and the same is hereby authorized to borrow money in addition to any loans heretofore authorized, in a sum not to exceed one hundred and fifty thousand ($150,000) dollars, at a rate of interest not to exceed five per centum per annum, payable semi-annually; such sum, or so much thereof as may be needed, to be used solely for the purpose of building and constructing bridges, foundations and approaches in such city as the council thereof may direct. For the purpose of effecting such loan, and providing a fund for the purpose aforesaid, any such city is hereby authorized to issue its bonds for the aggregate denominations or amounts, and payable at such time or times, and at such rate of interest, not exceeding the amount herein specified, as the council of such city may determine; said bonds, except as indicated in the foregoing, shall conform to the requirements of chapter 2, division 9, title 12, of the Revised Statutes of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 191L

[House Bill No. 636.]

AN ACT

Authorizing the county auditor of Defiance county, Ohio, to enter a credit of $232.52 on his own account with the township school treasurer of Mark township, Defiance county, Ohio, to eliminate a discrepancy that has existed between the various school treasurers of Mark township and the county auditor of Defiance county, Ohio, for the past thirty years.

WHEREAS, During a [the] term in office of a township school treasurer of Mark township, Defiance county, Ohio, more than thirty years ago there was discovered to be a shortage in the sum of $232.52, that is to say, the said treasurer was charged by the county auditor with the sum of $232.52 more than the said treasurer at that time could account for in money or redeemed orders; and

WHEREAS, The successors in office of the said township treasurer that defaulted as recited above have always been charged with a sum of money in excess of the amount of money and orders redeemed in the sum of $232.52, being the amount of the shortage of the aforesaid treasurer; and

WHEREAS, The aforesaid treasurer and his bondsmen are either dead or wholly insolvent; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county auditor of Defiance county, Ohio, be and hereby is authorized and empowered to credit the present treasurer of the school funds of Mark township, Defiance county, Ohio, with a sum of money equal to the amount charged up against him by reason of the defalcation of the aforesaid treasurer, that is to say, with the sum of $232.52. This credit to be given at the next settlement.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 192L

[House Bill No. 838.]

AN ACT

To authorize the board of education of Madison township, Pickaway county, to borrow money and erect a school-house.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Madison township, Pickaway county, Ohio, be and is hereby authorized and empowered to borrow money in any sum not exceeding twenty-five hundred dollars ($2,500), at a rate of interest not exceeding six per centum per annum, for the purpose of erecting a building for a high school in said township. The said loan to be made in anticipation of the regular levies for school purposes in the township for the years 1900 and 1901, and to be paid from the proceeds of said levies, in such amounts as said board

may determine, when the same, or a sufficient part thereof has been received by the township treasurer.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 193L

[House Bill No. 708.]

AN ACT

To authorize the city council of West Jefferson, Madison county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the city council of the village of West Jefferson, Madison county, Ohio, be and is hereby authorized to transfer twenty-six hundred dollars ($2,600) from the general fund to the following named funds, in the following amounts: Eleven hundred dollars ($1,100) to the street fund; four hundred dollars ($400) to the light fund; seven hundred dollars ($700) to the sewer fund; four hundred dollars ($400) New Town hall 1st series bonds.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL.
President of the Senate.

Passed April 14, 1900. 194L

[House Bill No. 876.]

AN ACT

To amend section 4 of an act entitled "An act to provide for a board of park commissioners in cities of the third grade of the first class, and to define its powers and duties;" and to repeal an act entitled "An act to provide for a board of park commissioners for the city of Toledo, and defining its powers and duties," passed March 15th, 1893.

[TOLEDO.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4 of an act entitled "An act to provide for a board of park commissioners in cities of the third grade of the first class, and to define its powers and duties;" and to repeal an act entitled "An act to provide for a board of park commissioners for the city of Toledo, and defining its powers and duties," passed March 15th, 1893, be amended so as to read as follows:

SECTION 4. Such board shall have control of all parks, boulevards and public grounds belonging to such cities, or which may be acquired for such purposes, and of all [the] streams within and flowing through any park controlled by such board, and of the improvement of the same, and authority to accept gifts, donations and devises of lands to be used for park or boulevard purposes, and to assume and have the care, custody and control of any street, road or part thereof upon the written request addressed to such board, signed by the owners of two-thirds of the feet front of the lots and lands abutting upon said street, road, or part thereof, and of all moneys derived from levies made for park purposes, and all moneys from the general fund appropriated by the council for such purpose, and the proceeds of all bonds issued or sold for park purposes, which moneys shall be placed in a special fund called the "park fund" and shall be disbursed by the treasurer of such city upon a warrant by the auditor, which shall be drawn in accordance with the order of the board.

SECTION 2. That said section 4 of said act entitled "An act to provide for a board of park commissioners in cities of the third grade of the first class, and to define its powers and duties;" and to repeal an act entitled "An act to provide for a board of park commissioners for the city of Toledo, and defining its powers and duties," passed March 15, 1893, is hereby repealed; and all acts and parts of acts inconsistent with the provisions of this act are hereby declared void as to such inconsistency, but not otherwise; and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 195L

[House Bill No. 242.]

AN ACT

For the relief of Edwin O. Bathgate, Henry W. Beneker and John J. Reagan.

WHEREAS, The board of legislation of the city of Cincinnati passed a resolution on the eleventh day of September, 1899, in which was incorporated an address from the citizens of Cincinnati to Admiral George Dewey, which address was by the provisions of said resolution, to be printed upon parchment and presented to said Admiral Dewey upon his return to this county [country]; and

WHEREAS, The said board of legislation did, by said resolution, empower the president of said board to appoint a committee of three members of said board to go to the city of New York and present to Admiral Dewey the said address from the citizens of Cincinnati; and

WHEREAS, Said president of the board of legislation in pursuance to the provisions of said resolution, did appoint as members of said committee Edwin O. Bathgate, Henry W. Benneker and John J. Regan, all of whom were members of the said board of legislation; and

WHEREAS, The said Edwin O. Bathgate, Henry W. Beneker and John J. Regan did in obedience to the command of said president of the

board of legislation in pursuance to the terms of the said resolution, make the trip to the city of New York between the dates of September 21 and October 1, 1899, and as such committee in the name of said city did present to Admiral Dewey the said address; and

WHEREAS, The said Edwin O. Bathgate, Henry W. Beneker and John J. Regan did expend in railroad fare, hotel bills and incidental expenses, while acting as the committee of said board, the sum of two hundred and thirty-nine dollars and fifty-five cents; and

WHEREAS, The said board of legislation passed a resolution on the 20th day of November, 1899, ordering the payment of the said sum of two hundred and thirty-nine dollars and fifty-five cents out of the funds which said board sets apart for the use of committees of said board, to the said Edwin O. Bathgate, Henry W. Beneker and John J. Regan as a reimbursement of the amounts spent by said persons while acting as said committee on said trip; and

WHEREAS, The auditor and treasurer of the said city of Cincinnati have been enjoined by the common pleas court of Hamilton county, from paying to the said Edwin O. Bathgate, Henry W. Beneker and John J. Regan the said sum due them for expenses, because said board had no power to use said committee fund for said purpose; and

WHEREAS, The said city of Cincinnati has obtained the services of the said Edwin O. Bathgate, Henry W. Beneker and John J. Regan free of charge and has also received the benefits derived from the said committee's acts and the expenditures of the said committee having been made in good faith and in the belief that they were acting within their power; and

WHEREAS, The city of Cincinnati is under moral obligation to reimburse said committeemen; now therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of legislation of the city of Cincinnati be and it is hereby empowered and directed to use so much of the funds which is set aside by said board for the use of committees as amounts to the sum of two hundred and thirty-nine dollars and fifty-five cents, said amount to be paid to Edwin O. Bathgate, Henry W. Beneker and John J. Regan in equal portions as a reimbursement to said persons for money expended by them while acting on the committee of the board of legislation, as set forth in the preamble of this act.

SECTION 2. Upon the passage of a resolution of the said board of legislation directing the payment of the said sum of two hundred and thirty-nine dollars and fifty-five cents to the persons herein named, the auditor of said city is hereby empowered and directed to draw a warrant on the city treasurer, who is hereby empowered and directed to pay the same, for said sum of two hundred and thirty-nine and fifty-five one hundredths dollars, payable to the said Edwin O. Bathgate, Henry W. Beneker and John J. Regan.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 14, 1900.

196L

[House Bill No. 898.]

AN ACT

Relative to the duties and fixing the salaries of certain county officers in Putnam county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Putnam county the compensation of the probate judge, clerk of the courts, county auditor, county treasurer, sheriff, county recorder, prosecuting attorney, county commissioners and infirmary directors hereafter elected shall be by annual salary, except as otherwise provided in this act, to be paid in monthly installments, the maximum amount of which salary shall be as follows: Probate judge, twenty-five hundred dollars ($2500); clerk of the courts, twenty-four hundred dollars ($2400); county auditor, twenty-five hundred dollars ($2500); county treasurer, twenty-five hundred dollars ($2500); sheriff, twenty-five hundred dollars ($2500); recorder, sixteen hundred dollars ($1600); prosecuting attorney, eleven hundred dollars ($1100); county commissioners, one thousand dollars ($1000) each; infirmary directors, two hundred and fifty dollars ($250) each. But the salaries of the probate judge, clerk of the courts, sheriff and recorder, shall not exceed the amounts by them respectively collected and paid into the county treasury.

SECTION 2. All fees, costs, percentages, allowances and other perquisites which are now and may hereafter be allowed by law for the performance of official duties by any officer mentioned in section one, shall, when collected, be for the sole use of the county, except as otherwise provided in this act, and the total receipts thereof by each of said officers shall be paid by him to the county treasurer at the close of the business of the last secular day of each month, and to be fully accounted for by the treasurer, and each of said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all costs, fees, percentages, penalties, allowances and other perquisites that accrue to his said office each day, and the amount received thereof by him each day and by him paid, and the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; but such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court shall not be deemed to be earned or to have accrued within the meaning of this act until final judgment.

SECTION 3. Each officer mentioned in section one shall on the first business day of each month file with the county commissioners a statement, verified by his affidavit, showing the full receipts daily by him for the preceding month, and the total for the month from each of the sources specified in the preceding section, and also a statement verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and remaining unpaid, with the name of each person or party liable for any part thereof, and the amount due from each; and each statement after the first, of amounts due and unpaid, shall begin with a showing of the amount theretofore reported due and unpaid, and what portion thereof has been paid since the last report. On the day his term of office expires he shall file with the commissioners like statements showing such receipts daily since his last statement, and the amounts due and unpaid up to that time.

SECTION 4. The county auditor, on the first Monday of each month, on the order of the county commissioners, shall issue to each of said officers, an order or warrant on the county treasurer for the installment of salary due such officer, for the preceding month; but no warrant or order shall be issued to the probate judge, clerk of the courts or county recorder for any sum in excess of the amounts collected and paid in by them respectively up to that date, after deducting all sums theretofore by them respectively drawn; but if on the expiration of the term of office of any probate judge, clerk of the courts, sheriff or county recorder his salary should not have been fully paid, and any costs, perquisites or allowances earned by him still remain unpaid, an order or warrant may be issued to him at any time after the expiration of his term of office for such balance, after the same shall have been collected by his successor and paid into the county treasury. But the county commissioners shall not approve any claim of any county officer mentioned in section one of this act, nor shall the county auditor draw his warrant for the payment of any such officer for salary due him unless he has fully complied with all and singular the provisions of this act.

SECTION 5. All statements required by this act to be filed with the commissioners shall be carefully preserved by them and shall be subject to public inspection during all official business hours; and the account books provided for by section four shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer mentioned in section one shall be turned over to his successor in office.

SECTION 6. Each officer mentioned in section one shall exercise due diligence in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at any [the] time they are earned; but the county commissioners may, by order entered upon their journal and certified to the treasurer, extend the time for the enforcement of penalties for the non-payment of taxes within the time limited by law, and the treasurer shall not be required to report to the commissioners in his statement required by section three the penalties allowed by law on taxes collected, except in such statements next following his semi-annual settlement with the auditor.

SECTION 7. It shall be the duty of the county commissioners to see that the provisions of this act are carefully complied with, and they may employ an expert accountant whenever and for such time as they may deem necessary and at such compensation as they deem judicious, to ascertain by examination whether the books and accounts of the officers mentioned in section one are legally and correctly kept, and whether the statements they are required by this act to make to the commissioners are correct; and such accountant shall report to the commissioners in writing the result of such examination, which report they shall preserve in their office. If it appear by any such report that any such book or account, or any such statement is false or fraudulent in any respect, they shall make a thorough investigation of the matter, and may, if they deem it necessary or expedient, subpoena witnesses and examine them under oath, and they shall have the same power as justices of the peace to compel the attendance of witnesses. The costs of any such investigation shall be paid from the general fund of the county on the warrant of the county auditor when duly certified to him by the county commissioners.

SECTION 8. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county; and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 9. Nothing in this act shall be construed to vest in any officer mentioned in section one such fees, costs, percentages, penalties, allowances or other perquisites as are unpaid at the end of their respective official terms; but the same shall be the property of the county to be collected by their successors in office and applied as provided in this act; but fees, costs, percentages, penalties, allowances and other perquisites that accrued to said officers prior to the taking effect of this act, shall not be affected thereby.

SECTION 10. The prosecuting attorney of said county shall, in addition to the salary herein provided, be entitled to the fees and percentages allowed now by law on all collections by him made; but he shall pay the same into the county treasury as hereinbefore required, and draw them out only on the order or warrant of the county auditor as hereinbefore provided.

SECTION 11. The county auditor, in addition to the salary hereinbefore provided, shall in the year of the decennial appraisement of real estate, receive such additional compensation, not exceeding five hundred dollars, for services connected with such appraisement, as the county commissioners may deem just.

SECTION 12. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms the manner in which the prisoners shall be kept and provided for, and shall see that the terms of the contract are fully complied with; and the sheriff shall, at the end of each calendar month, file with the commissioners of the county an itemized statement of all moneys by him and his deputies expended in and about the service and execution of the writs and orders of the courts, which statements shall be sworn to by him and approved by the county commissioners, and when so approved, an order shall be drawn upon the treasurer, payable to the sheriff, for the sum by him and his deputies so expended.

SECTION 13. A detailed statement of all accounts, costs and fees due to any of the officers named in section one of this act which remain unpaid for the period of one year, shall, by such officer be made and delivered to the prosecuting attorney of such county for collection, who shall, on the first Monday in each month pay over to the officer for whom the collection is made, all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount so paid over and enter a statement for such payment on the books of his office. The prosecuting attorney shall receive ten per cent. of all amounts so by him collected to be paid by him into the county treasury, with his other fees as hereinbefore provided and drawn out only on the warrant or order of the county auditor.

SECTION 14. If any officer mentioned in section one wilfully fails or refuses to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provisions thereof, or wilfully makes any false or fraudulent showing in any statement thereof required of him, or in any account book provided therefor herein, he

shall be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one year, nor more than five years, or both; and if any deputy, clerk or employe wilfully violates any provision of this act, he shall be fined not more than five hundred dollars or be imprisoned in the county jail not less than three months nor more than one year, or both. The aforesaid penalties against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall be paid into the county treasury to the credit of the general revenue fund of the county.

SECTION 15. The official bond required by law heretofore or hereafter taken from any of said officers, shall be deemed to make the parties liable to the same, liable for any violation on the part of the officers for whom they are sureties, of any of the provisions of this act, and for the faithful performance of all the duties required thereby; but upon taking effect of this act the county commissioners may, in their discretion, require from any or all of the officers mentioned in section one hereof, a new and additional official bond, with sufficient sureties to be conditioned that such officer shall discharge the duties of the respective offices according to law.

SECTION 16. Any provision of statute in force, when this act takes effect, which conflicts with any provision of this act, shall, to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to the officers described herein; but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 17. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 197L

[House Bill No. 802.]

AN ACT

To authorize cities of the second grade of the first class to borrow money and issue bonds for the purpose of purchasing land, erection of buildings, and the purchase of fixtures and apparatus, fire alarm system and supplies therefor.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any city of the second grade of the first class in the state of Ohio be and is hereby authorized to borrow money in a sum not to exceed two hundred and five thousand ($205,000) dollars, at a rate of interest not to exceed four (4) per cent. per annum, payable semi-annually; such sum, or so much thereof as may be needed to be used solely for the purpose of purchasing land, erection of such buildings, and the purchase of fixtures and apparatus, fire alarm system and supplies, for increasing the efficiency of the department of fire of such city, within such city as the council thereof may direct. For the purpose of effecting such loan and providing a fund for the purpose afore-

said, any such city is hereby authorized to issue its bonds for the aggregate amount of such loan, or any part thereof, in such denominations, or amounts, and payable at such time or times, and at such rate of interest, not exceeding the amount herein specified, as the council of such city may determine. Said bonds, except as indicated in the foregoing, shall conform to the requirements of chapter 2, division 9, title 12 of the Revised Statutes of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 198L

[House Bill No. 753.]

AN ACT

To authorize the board of county commissioners and the board of infirmary directors of Paulding county, state of Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners and the board of infirmary directors of Paulding county, state of Ohio, be and are hereby authorized to transfer not to exceed thirty-two hundred dollars ($3,200) from the poor fund to a special fund to be used for the purchase of additional land for the county infirmary.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 199L

[House Bill No. 873.]

AN ACT

Providing an annual vacation for members of the police force in cities of the second grade of the first class.

[CLEVELAND,]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all cities of the second grade of the first class, each member of the regular police force thereof shall, without loss of compensation, be entitled to an annual vacation of two consecutive weeks and, in addition thereto, an average vacation of one day per month within each year.

SECTION 2. It shall be the duty of the superintendent and of the secretary of police to provide a suitable means whereby the members

of the police force shall determine by lot the order in which their said respective annual two weeks vacation shall be taken and no member shall be entitled to such vacation out of said order, except for some good reason he shall exchange with a brother officer, or except the superintendent of police shall, for the good of the police service, direct that such vacation be taken at another time within the year.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 200L

[House Bill No. 480.]

AN ACT

To provide for an additional sum to extend, complete and further improve fair grounds for the use of certain county agricultural associations.

[MADISON COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any county in the state having, at the last federal census, or which at any subsequent federal census shall have a population of not less than twenty thousand, and not exceeding twenty-one thousand and five hundred, and having an agricultural society organized under the laws of the state, which agricultural society has been, prior to the date of the passage of this act, holding its annual fairs upon land partly owned by said county, or said society, and partly leased to said society, by residents of such county, the board of directors of such agricultural society, whenever they deem it necessary to extend, complete and further improve the fair grounds used by such society, shall, at a general meeting of said board, by a vote of at least two-thirds of all the members thereof, upon a call of the yeas and nays, pass a resolution for the purpose of securing the benefit of this act, declaring such necessity; and said board of directors shall then, within thirty days from the passage of said resolution, give notice in writing to the board of county commissioners of the county containing such fair grounds, of the necessity for extending, completing and further improving the said fair grounds under the absolute control of such salary [society], which notice shall contain or have annexed thereto a certified copy of said resolution, and shall be signed by the president and secretary of said board of directors.

SECTION 2. That after the filing of said notice the said board of county commissioners shall fix the time, not exceeding twenty days from the day on which said notice is filed with them for a consideration of the necessity for such extension, completion and further improving of such fair ground, of which time, place and purpose of such hearing they shall give notice by publication in two newspapers of general circulation, and published in such county; at which time and place, upon proof of the publication of such notice, as above provided, said commissioners shall proceed to determine the necessity or advisability of such exten-

sion, completion and further improvement; and upon a finding by them that such extension, completion and further improvement is necessary or advisable, they shall, by an order noted upon their journal, direct and order within a reasonable time thereafter, not to exceed six months, in such manner as the board of directors of such society may direct, to extend, complete and further improve such fair ground; but the total cost of said improvement when completed, including any land purchased under the provisions of this act, shall not exceed eight thousand dollars.

SECTION 3. That the payment of said extension, completion or further improvements shall be made by said board of county commissioners from any unappropriated funds in the county treasury at such times as said payments are to be made, and if no such funds are in the county treasury at such times, then said board of county commissioners are hereby directed to issue the bonds of said county for such amounts as may be necessary for such improvements, not to exceed the amount provided for in section second of this act. Such bonds to bear interest at a rate not to exceed five per centum per annum, and to be payable at the office of the board of county commissioners at such time, not to exceed three years from the date thereof, as said board of county commissioners shall determine; and to provide for the payment of such bonds, the said board of county commissioners are hereby directed to levy such annual tax on all taxable property of the county as may be necessary therefor. Said levy shall be collected and accounted for as other county taxes are by the proper county officers. When said agricultural society shall, in any year, have a surplus in its treasury exceeding five hundred dollars, after the payment of the obligations of the said society for the said year, such surplus shall be paid into the county treasury of said county to the credit of the county fund, until said surplus so paid shall equal the amount of money expended under this act for the extension, improvement and completion of such fair grounds.

SECTION 4. If the extension and the improvement of the fair grounds provided for in this act shall involve the acquiring of real estate, said board of directors of said agricultural society are hereby empowered to acquire so much real estate as shall be necessary to make such extension; and if the said board of directors of said agricultural society shall not be able to agree with the owner or owners of the same on a price to be paid therefor, or if for any reason the parties owning or interested in the same shall be unable to make a satisfactory title to the same, then the said board of county commissioners are hereby authorized and directed to appropriate the same, and for that purpose they shall cause a petition setting forth a pertinent description of the property, the purpose for which it is appropriated, and making all parties interested in the title to the premises parties defendant, to be filed in the probate court or court of common pleas of the county in which said fair grounds are situated, and thereupon the same proceedings shall be had as are provided for the appropriation of private property by municipal corporations, and upon the payment of the amount of money awarded by the jury, as directed by the court, the title to the premises shall vest absolutely in the said board of county commissioners.

SECTION 5. And where the title to the grounds and improvements occupied by agricultural societies in counties having, at the last federal census, a population of not less than twenty thousand, and not exceeding

twenty-one thousand and fifty, is vested in the board of county commissioners, or the board of directors of such agricultural society; the control, management and leasing of such lands and improvements shall be vested absolutely in the board of directors of such agricultural society while the same are being occupied and used by said society for holding agricultural fairs, and the money realized from rents or leasing of said grounds and buildings shall go into the treasury of said society to be used as a fund for keeping grounds, fences and buildings in good repair, and in making such other improvements as may be deemed necessary by the agricultural board.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 201L

[House Bill No. 803.]

AN ACT

To authorize cities of the second grade of the first class to borrow money and issue bonds for the purpose of establishing a police alarm and patrol system, and purchasing land, and erecting thereon station houses and patrol barns.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any city of the second grade of the first class in the state of Ohio be and it is hereby authorized to borrow money in a sum not to exceed one hundred and twenty-five thousand ($125,000) dollars, at a rate of interest not to exceed four (4) per centum per annum, payable semi-annually; such sum, or so much thereof as may be needed to be used solely for the purpose of establishing a police alarm patrol system, of purchasing land and erecting thereon police station houses and patrol barns, for police purpose, within such city as the council thereof may direct. For the purpose of effecting such loan and providing a fund for the purpose aforesaid, any such city is hereby authorized to issue [its] bonds or the aggregate amount of such loan, or any part thereof, in such denominations, or amounts, and payable at such time or times, and at such rate of interest not to exceed the amount herein specified, as the council of such city may determine. Said bonds, except as indicated in the foregoing shall conform to the requirements of chapter 2, division 9, title 12 of the Revised Statutes of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 202L

[House Bill No. 900.]

AN ACT

To give additional power to commissioners of sewers in certain cities of the fourth grade of the second class.

[GREENVILLE.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2368 be supplemented as to read as follows:

Sec. 2368*a*. That in any city of the fourth grade of the second class having a population of not less than 5470 or which at the last federal census may have a population of not to exceed 5490, and in which there is a board of sewer commissioners, the said commissioners of sewers shall receive a fixed salary to be fixed by the council of such city.

SECTION 2. The said board of sewer commissioners may appoint one of their number as clerk of such board.

SECTION 3. All moneys collected by taxation or otherwise, for the construction and maintenance of sewers in such cities, shall be kept as a separate and distinct fund subject to the order of the sewer commissioners, and all orders drawn by such commissioners or board on the treasurer of the corporation, shall be signed by one of the commissioners or board and be countersigned by the clerk of the commissioners of sewers; and the city treasurer shall pay said orders when so signed and countersigned, the same as if drawn by the city clerk.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 203L

[House Bill No. 902.]

AN ACT

To establish a special school district in Waterford township, Washington county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described territory situate in Waterford township, Washington county, Ohio, is hereby established into and declared to be a special school district, to be known as Coal Run special school district, to wit: Beginning on the north bank of the Muskingum river at a point where the line between the townships of Waterford and Adams intersects said river; thence north along the township line to the northeast corner of lot No. 30; thence west along the line of lots No. 30 and 29, to the northwest corner of lot No. 29; thence south along the line of lot No. 29 to lot No. 20; thence west to the northwest corner of lot No. 20; thence south along the line of lot No. 20 to the old Marietta and Zanesville road; thence south across lots No.

19 and 3, of J. W. Dana estate, direct to the northwest corner of lot No. 9; thence south along the line of lots No. 9, 10, 11, 12 and 13 to the southwest corner of lot No. 13; thence east along the line of lot No. 13 to the Muskingum river; thence down said Muskingum river to the place of beginning.

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds and taxes levied for incidental expenses according to the enumeration of youth of school age, for the year 1899, and shall be governed in all respects by such laws as now are or may hereafter be in force relating to special school districts.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 204L

[House Bill No. 700.]

AN ACT

To create a special school district of [for] Marseilles, in Marseilles township, in the county of Wyandot, state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the territory included in the following description, to wit: Beginning at the southeast corner of section sixteen (16) of township four (4) south of range thirteen (13) east; thence north on the line of said township two miles; thence west one-half (½) mile; thence north one (1) mile to boundary line of said township; thence west one and one-half (1½) miles on the north line of said township; thence south two (2) miles; thence west one (1) mile; thence south one-half (½) mile; thence west one-half (½) mile; thence south one-half (½) mile, to the boundary line; thence east along the said boundary line three and one-half (3½) miles to the place of beginning. Said described territory embraces sections five (5), eight (8), nine (9), sixteen (16), seventeen (17), eighteen (18) and the west half (½) of section four (4); also the southeast quarter (¼) of section thirteen (13), and shall be and the same is hereby created and declared to constitute a special school district, and the same shall be known as the "Marseilles special school district of Wyandot county, Ohio."

SECTION 2. That within twenty days from the passage of this act written or printed notices shall be posted in at least three of the most conspicuous places in the district, signed by at least ten resident electors of said district, to assemble on the day therein named, which day shall be at least five days from the day of posting of said notices, and at an hour and place therein named and there to elect a board of education, consisting of five (5) members, for the said special school district. The electors assembled at the time and place designated in said notices shall appoint a chairman, and two clerks who shall be judges of said election, which

shall continue at least two hours and shall not close before four o'clock p. m., and shall then and there choose by ballot, five competent and judicious persons, qualified electors thereof, to serve as members of the board of education of the special school district, as follows: One to serve until the first Monday of April, 1901, and one to serve until the first Monday of April, 1902, and one to serve until the first Monday of April, 1903, and one to serve until the first Monday of April, 1904, and one to serve until the first Monday of April, 1905, and each to serve until the election and qualification of his successor, and thereafter there shall be elected annually by ballot, on the first Monday in April in said district, by the qualified electors thereof, at the usual time and place of holding school elections in such district, one judicious and competent person to serve as member of the board of education thereof, for five years. All regular elections after said first election shall be conducted as follows, to wit: The clerk of the district shall post written or printed notices in three or more of the most conspicuous places of the district, at least six days prior to the day of election, designating the day and the hour of opening and closing the election; and the election shall proceed, and a return thereof be made in the manner provided for elections in village districts, and shall continue at least two hours.

SECTION 3. All the school property situated within said described territory shall belong to and be the property of said special school district, and said school district shall be entitled to receive its proportionate share of the school funds levied for school-house and incidental expenses in accordance with the enumeration of the year 1899, of children, who are entitled to attend school, said funds including those now collected within the county, or township treasury, and that said district shall be governed by such laws as now are or may hereafter be in force relating to special school districts.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 205L

[House Bill No. 677.]

AN ACT

To authorize the board of education of the village of Coldwater, Mercer county, Ohio, to issue bonds for the purposes therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the village of Coldwater, in the county of Mercer, and state of Ohio, be and it is hereby authorized and empowered to issue the bonds of said board, not to exceed ten thousand dollars ($10,000) bearing a rate of interest not to exceed four per cent. (4 per cent.) per annum, payable annually, and dispose of the same at public, or private sale, at not less than their par value; the proceeds from the sale of said bonds to be applied to the enlargement of

the present school building, or the erection of new buildings, or both, and suitably furnishing the same, as said board may deem to be most expedient; said bonds shall be payable at such time or times as said board may determine, not exceeding twenty years from the respective dates thereof. Said bonds shall be issued in sums not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) each, signed by the president and attested by the clerk of the board, and said board may at their discretion have coupons attached.

SECTION 2. That for the purpose of paying the bonds issued under section one of this act, and the interest thereon as the same shall become due, said board of education is hereby authorized to levy annually a tax on all taxable property in said school district, sufficient therefor in addition to the tax now allowed by law to be levied for school purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 206L

[House Bill No. 205.]

AN ACT

To empower county commissioners of certain counties to contract for services to secure and preserve historical data.

[GREENE COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all counties which at the last federal census had a population of not less than 29,800 nor more than 29,900, the county commissioners are authorized and empowered to contract for services to be rendered in collecting, compiling and preserving papers, memoranda and data of historical value to their county, and allow and pay therefor out of the county treasury not exceeding the sum of five hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 207L

[House Bill No. 778.]

AN ACT

To authorize the county commissioners of Pickaway county, Ohio, to transfer certain funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of the county of Pickaway, and state of Ohio, be and they are hereby authorized to transfer the sum of twelve thousand dollars ($12,000) from the poor fund to the infirmary fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 208L

[House Bill No. 809.]

AN ACT

Supplementary to section 42 of an act entitled "An act to provide for a more efficient government for cities of the second grade of the first class," passed March 16, 1891.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 42 of an act entitled "An act to provide for a more efficient government for cities of the second grade of the first class," passed March 16, 1891, be supplemented so as to read as follows:

Sec. 42*a*. The director may detail such officer or member of the police force to act as detective sergeant as he may think the public interest requires, and the person so detailed shall have the rank of captain of police, and shall receive such compensation as the council has or shall prescribe for captains of police. Such person so detailed may at any time be assigned by the director to police duty outside of the detective or secret detective force, but not to a rank lower than that herein provided. Such detective sergeant shall be a member of the police force and shall not be removed or suspended from the police force except in accordance with the provisions of section 24 of an act entitled "An act to provide for a more efficient government for cities of the second grade of the first class," passed March 16, 1891.

[Sec.] 42*b*. Said detective sergeant, when detailed in accordance with the provisions of this act, shall be an active member of the detective force or secret police force, and shall, under the direction of the chief of detectives have general supervision, direction and control of the secret police force or detectives in their work, and shall advise and direct them in their work, and shall perform detective duty generally, and shall make a daily report in writing of the work of the detective or secret police to the chief of detectives. In the absence of the chief of detectives, or in

case of a vacancy in the office of chief of detectives, the sergeant of detectives shall, under the direction of the superintendent of police, perform the duties of such chief of detectives during such absence or vacancy.

[SECTION 2.] 42*c*. This act shall be in force and take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 209L

[House Bill No. 576.]

AN ACT

To provide for the improvement of the sanitary conditions in cities of the first grade of the second class.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in cities of the first grade of the second class the director of public safety shall appoint an inspector of plumbing and gas fitting, who shall be a skilled plumber and gas-fitter, and who shall have such power, perform such duties and receive such compensation as the council may by ordinance prescribe.

SECTION 2. That all acts and parts of acts inconsistent or in conflict with the provisions of this act be and the same are hereby repealed in so far as they apply to cities of the first grade of the second class.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 210L

[House Bill No. 744.]

AN ACT

To authorize the township board of education of Ridgeville township, Henry county, Ohio, to issue bonds and build a school-house.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Ridgeville township, Henry county, Ohio, be and the same is hereby authorized and empowered to issue bonds in any sum not exceeding one thousand dollars ($1,000), for the purpose of building a school-house in subdistrict No. 4 in said township.

SECTION 2. Said bonds shall be of the denomination of five hundred dollars ($500) each, and bear interest at a rate of not exceeding

six per cent., payable semi-annually. The principal and interest shall be due and payable at such time as the board of education may, by resolution, determine. Said bonds shall be sold according to law, and not for less than their face value, with accrued interest.

SECTION 3. Said board of education shall annually levy a tax not to exceed one (1) mill on the dollar valuation in addition to the levy of taxes now allowed by law for the purpose of paying the principal and interest of said bonds, as the same shall become due and payable according to the terms thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 211L

[House Bill No. 716.]

AN ACT

To create a special school district for Jelloway, in Knox county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the territory included in the following description, to wit: Beginning at the northeast corner of township eight (8), range eleven (11), in Knox county, Ohio, thence [south] along the east line of said township eight hundred and thirty-five and sixty one-hundredths (835.60) rods to the southeast corner of lands owned by Charles Nyhert, being the southeast corner of lot number eight (8), thence west along the south line of said lot three hundred and fifty-three and ninety one-hundredths (353.90) rods to the north east corner of lot number twenty-three (23), thence south along the east line of lots twenty-three (23) and twenty-two (22), two hundred and twenty-two (222) rods to the southeast corner of lot number twenty-two (22), thence west along the south lines of lots twenty-two (22), twenty-seven (27), and thirty-eight (38), five hundred and twenty-seven (527.00) rods to the southwest corner of lot number thirty-eight (38), thence north along the west lines of lots thirty-eight (38), thirty-nine (39), forty (40), twenty-four (24) and twenty-five (25), five hundred and fifty-seven (557.00) rods to the northwest corner of lot twenty-five (25), thence east along the north line of said lot twenty-five (25), forty-five and seventeen one-hundredths (45.17), rods to the southeast corner of lands owned by Smith Loney's heirs, thence north along the east line of the lands of said Loney's heirs, one hundred and five and forty one-hundredths (105.40) rods to the south line of lot number twenty-seven (27), thence east along the south line of said lot number twenty-seven (27), one hundred and twenty and forty-five one-hundredths (120.45) rods to the southeast corner of said lot twenty-seven (27), thence north along the east lines of lots twenty-seven (27) and twenty-eight (28), two hundred forty and ninety one-hundredths (240.90) rods to the north line of said township, thence in a north-easterly direction along the north line of said township seven hundred twenty-two and seventy one hundredths (722.70) rods to

the place of beginning, estimated to contain six and one-third (6 1-3) square miles and being all the lands now contained in subdistricts number three (3) and four (4) of said township, shall be and the same is hereby created and declared to constitute a special school district, and the same shall be known as the Jelloway special school district, of Knox county, Ohio.

SECTION 2. That within twenty days from the passage of this act written or printed notices shall be posted in at least three of the most conspicuous places in the district, signed by at least three resident electors of said district to assemble on the day therein named, which day shall be at least five days from the day of the posting of said notices, and at an hour and place therein named then and there to elect a board of education for the said special school district. The electors assembled at the time and place designated in said notices shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue at least two hours and shall not close before four o'clock p. m. and shall then and there choose by ballot, three competent and judicious persons, qualified electors thereof to serve as members of the board of education of the special school district, as follows: One to serve until the third Monday of April next succeeding his election, and one to serve for one year and one for two years from said third Monday in April, and each to serve until the election and qualification of his successor, and thereafter there shall be elected [annually] by ballot, on the second Monday in April in said district, by the qualified electors thereof, at the usual time and place of holding school elections in such district, one judicious and competent person to serve as member of the board of education thereof, for three years from the first Monday succeeding his election and until his successor is elected and qualified. All regular elections after said first election shall be conducted as follows, to wit: The clerk of the district shall post written or printed notices in three or more of the most conspicuous places of the district, at least six days prior to the day of election, designating the day and the hour of opening and closing the election; and the election shall proceed, and a return thereof be made in the manner provided for elections in village districts, and shall continue at least two hours.

SECTION 3. All the school property situated within said described territory shall belong to and be the property of said special school district and said school district shall be entitled to receive its proportionate share of the school funds levied for school-house and incidental expenses in accordance with the enumeration of the year 1899, of children, who are entitled to attend school, said funds including those now collected within the county or township treasury, and that said district shall be governed by such laws as now are or may hereafter be in force relating to special school districts; but said special district shall pay to the township board of education such relative share of any existing deficit as the valuation of taxable property in said special district bears to the valuation of the taxable property of the township.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900.

212L

[House Bill No. 599.]

AN ACT

To establish a special school district in the townships of Marlboro, Stark county, and Randolph, Portage county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That a special school district in the townships of Marlboro, Stark county, and Randolph, Portage county, Ohio, to be known as the New Baltimore special school district, be and the same is established in and of the following described territory, to wit: Beginning at the southwest corner of section No. 18 of Marlboro township, Stark county, Ohio; thence north along west line of Marlboro township, three miles to the northwest corner of said township; thence east to the east line of Marlboro township; thence south along said east line one and one-half miles to the one-half section line of section twelve; thence west along said half section line through sections 12, 11 and 10 to the east line of section nine; thence south on section line to public road, this being the half section line of section 16; thence west on half section line through 16 and 17 to the east line of section 18; thence south to the southeast corner of section 18; thence west along section line of section 18 to place of beginning.

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds, and the funds levied for incidental expenses, in accordance with the enumeration of the year 1899, of school children entitled to attend school; said funds being those now collected within the township or county treasuries, and shall be governed by the laws as now are, or may hereafter be in force relating to special school districts, except as hereinafter provided.

SECTION 3. When the electors of said special school district desire to abandon the same, and become a part of the township districts of the townships in which said special school is so located, they may make the change in the following manner: Written or printed notices shall be posted in at least five of the most public places in the district, signed by a majority of the members of the board of education, or one of the board and at least six resident electors of the district requesting the qualified electors thereof to assemble on a day, and at an hour and at a place designated in the notices, which notices shall be posted at least ten days prior to the day designated in them, then and there to vote for or against such change; the electors, when assembled at the time and place designated in the notices, shall appoint a chairman and two clerks, who shall be judges of the election, which shall continue at least two hours; those in favor of the change shall have written or printed on their ballots the words, "School — Change;" and those opposed thereto the words, "School — No change," and a majority of the ballots cast shall determine the question whether the change shall be made; the judges shall within five days after the election, make due return thereof to the board of education of the district; and if a majority of the votes cast are in favor of the change, the board shall immediately certify that fact to the township boards, which shall thereupon assume jurisdiction of the territory, property and affairs of the special district, and thereafter treat the territory within said district as subdistricts or joint subdistricts of their respective townships as they existed prior to the passage of this act, except that the territory comprised within what has

heretofore been known as the New Baltimore special school district shall again form a special district as it existed prior to the passage of this act.

SECTION 4. The board of education of said special school district may, when in its opinion it will be for the best interests of the schools, provide for the conveyance of pupils to and from the school, the cost of which shall be paid out of the contingent fund of said district.

SECTION 5. The organization and creation of what is now known as the New Baltimore special school district and all other districts now existing within the territory described in this act, are hereby abandoned, but this shall in no wise effect any lawful contract or contracts heretofore made by the boards of education of said districts with teachers or employes.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 213L

[House Bill No. 799.]

AN ACT

For the relief of F. K. Hawkins, treasurer of the board of education and of the township of Elk Run, in the county of Columbiana and the state of Ohio.

WHEREAS, On the 20th day of October, 1898, F. K. Hawkins was treasurer of the board of education, and of the township of Elk Run, county of Columbiana, and state of Ohio, and as such treasurer had on deposit with the First National bank of New Lisbon, in the village of Lisbon, Ohio, the sum of one thousand seven hundred and fifty-six dollars.

WHEREAS, On said day said bank closed its doors, and shortly afterwards passed into the hands of a receiver, duly appointed, to wind up its affairs.

WHEREAS, Said receiver will not be able to realize on the assets coming into his hands a sufficient amount to pay the liabilities of said bank in full.

WHEREAS, The said F. K. Hawkins, treasurer as aforesaid, was not furnished with a safe in which to keep said funds.

WHEREAS, Said bank did a large and seemingly prosperous banking business, had on deposit a large amount of money, and enjoyed the confidence of the people in the community in which it did business.

WHEREAS, There is in the treasury of said board of education, and of the township of Elk Run, sufficient funds, so that it will not be necessary to levy additional tax to carry into effect the provisions of this act.

WHEREAS, A large majority of the electors and of the taxpaying electors of said township of Elk Run, have by their petition expressed a desire to have the said F. K. Hawkins, and the sureties upon his official bonds, released from any loss or liability growing out of the failure of said bank; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That F. K. Hawkins, treasurer of the board of education and of the township of Elk Run, county of Columbiana and state of Ohio, and the sureties on his official bonds as such treasurer, be and the same are hereby relieved from the payment to said board of education, and the trustees of said township, or either, or any of said officers thereof, whatever part of said sum of $1,756 that shall remain unpaid to the said F. K. Hawkins from said receiver upon the settlement of the affairs of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 214L

[House Bill No. 894.]

AN ACT

To authorize the board of county commissioners of Shelby county to purchase and improve lands on which to hold county fairs and to issue bonds of said county and levy taxes to pay for the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Shelby county, Ohio, be and are hereby authorized to provide for the purchase of and to purchase for and on behalf of said county, lands in the vicinity of the county seat of said county and to improve the same for the purpose of holding and conducting thereon county fairs and exhibitions for the improvement and advancement of agriculture in said county. Said lands shall be of such amount and dimensions and shall be so improved by said board as in the judgment of said board will be reasonably necessary for such purpose. The title of any and all such lands shall be conveyed to and vest in the board of county commissioners of Shelby county, Ohio.

SECTION 2. Said board of county commissioners, for the purpose of providing the necessary means to pay for and improve said lands for the purpose aforesaid, are hereby authorized to issue and sell the coupon bonds of said county, in any amount not exceeding ten thousand ($10,000) dollars, payable at such place and such time or times, not exceeding in all a period of ten years from the date of issue, and bearing such rate of interest not exceeding five per centum per annum, payable semi-annually, as said board of commissioners may determine, and said bonds shall not be sold for less than their par value and shall be signed by said county commissioners and attested by the auditor of said county with his seal attached thereto. The money arising from the sale of said bonds shall be paid into the treasury of said county and shall be paid out and expended for the purposes herein expressed under the direction of said board of county commissioners on the warrants of the auditor of said county.

SECTION 3. Said board of county commissioners are hereby authorized to annually levy on all taxable property of said county such tax, in addition to other taxes, as will be necessary to provide a fund for the prompt payment of said bonds and the interest thereon as the same shall become due and payable.

SECTION 4. The said board of county commissioners are hereby authorized to permit the use and occupation of such grounds and improvements by the county agricultural society of said county, organized under the laws of Ohio, except as hereinafter provided.

SECTION 5. The county agricultural society shall be governed by a "board of managers" consisting of two members of each township in the county, not more than one shall belong to the same political party in each township, and said board shall be styled the county agricultural board.

SECTION 6. That at the annual election on the first Monday in April, 1901, in each township of said county, there shall be elected by the qualified electors thereof two (2) members of the agricultural board, the candidate receiving the highest number of votes shall be declared elected until the second Saturday in January, 1903, and the candidate receiving the next highest number shall be declared elected until the second Saturday of January, 1902, and that thereafter, annually, at the annual fall election held in said county, for the election of the state and county ticket there shall be elected in each township of said county, by the qualified electors thereof, one (1) member of the agricultural board, who shall hold his office for two years and until his successor is elected and qualified.

SECTION 7. The election of members of the agricultural board shall be governed in all respects by the same laws governing the elections of other township officers, and the township clerk shall issue notices of election to such members elect as required by law for other township officers. Each person receiving such notice of election shall, within ten days thereafter, appear before some officer authorized to administer oaths, and take oath to faithfully perform the duties of the office; and the officer administering such oath shall issue a certificate of [to] the officer so qualified.

SECTION 8. The members so elected and qualified shall, annually on the second Saturday of January at two o'clock p. m., next after their election, meet at the secretary's office on the grounds, or some other place centrally located in the county, of which due notice shall be given by the secretary of the agricultural society, and there proceed to elect one president, one vice president, one secretary, one treasurer; such officers to serve one year, and until their succesors are elected and qualified. The president and vice president so elected shall be members of the board. Said board shall have all the power and be governed by such laws and regulations as govern county agricultural societies.

SECTION 9. All vacancies occurring in said board shall be filled by appointment by said board until the next annual election, when the same shall be filled in the same manner as in the original election of members thereof.

SECTION 10. That at the next general election to be held in the state of Ohio, after the passage of this act, the officers whose duties it is to provide for the printing of the ballots shall cause to be printed on all

ballots below the list of names of candidates for office, with a blank space on the left margin in which to give each elector a clear opportunity to designate his choice, the following: "For the issue of bonds." "Against the issue of bonds." Notice that said proposition is to be submitted shall be given by the sheriff by proclamation, for the same length of time and in like manner as in his proclamation of general elections required by law. The clerks of each election precinct shall write on separate ruling on the left hand margin of the tally sheets below the names of candidates: "For the issue of bonds." "Against the issue of bonds." And shall enter on the appropriate ruling the tallies of all votes cast for and against such [said] proposition, and the aggregate number of votes against said proposition in each voting precinct shall be forthwith certified by the precinct election officers to the proper board of deputy supervisors of elections, in like manner as in the return of elections of county officers are certified, as required by law, who shall record the aggregate number of votes for and against said proposition. If upon such election a majority of the votes cast on said proposition shall be in favor of an issue of bonds, this act shall take effect and be in force from and after the 15th day of November, A. D. 1900, but if a majority of the votes cast on said proposition be against an issue of bonds, then this act shall be void.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 215L

[House Bill No. 887.]

AN ACT

To amend section 3 of an act passed March 8th, 1900.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act passed March 8, 1900, to authorize the county commissioners of Mercer county, Ohio, to provide funds to replace buildings destroyed by fire, purchase additional land and improve the same, and make improvements on the Mercer county fair grounds, be amended to read as follows:

Sec. 3. Said board of county commissioners are hereby authorized to annually levy on all taxable property of said county such tax, in addition to other taxes, as will be necessary to provide a fund for the prompt payment of such bonds and interest as the same shall become due and payable. Said board of county commissioners are also hereby authorized to annually levy on all taxable property of said county such tax not exceeding 2–10 of a mill per annum, in addition to such other tax levies as said board are at present authorized to make for the purpose of raising by direct taxation such part of said sum of $7,000 as shall not be obtained by the issue and sale of the coupon bonds of said county as herein provided.

SECTION 2. This act shall take effect and be in force on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 216L

[House Bill No. 842.]

AN ACT

To divide Sandy township, Stark county, Ohio, into two election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Sandy township, Stark county, Ohio, be and the same is hereby divided into two election precincts, as follows:

MAGNOLIA PRECINCT.

Beginning for the same at the south line of the intersection of sections number 28 and 29, running due north to the north line of sections number 20 and 21; thence west one-half mile; thence north one and one-half miles to the center of section number 8; thence west one-half mile; thence north to the Osnaburg township line; that the territory lying west of said boundary line to constitute Magnolia precinct, with voting place at Magnolia, Stark county, Ohio, and all east of said boundary line to constitute the other precinct, to be known as the Waynesburg precinct, with the voting place at Waynesburg, Stark county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 217L

[House Bill No. 792.]

AN ACT

To amend an act entitled "An act to establish a separate election precinct in Washington township, Holmes county, Ohio," passed April 27th, 1896, as amended April 19th, 1898.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following territory situated in Washington township, Holmes county, Ohio, be and is hereby declared to be a separate election precinct, to wit: Sections 12, 13 and 14, the east half of section 11, east half of section 15, east half of the southwest quarter of section 15, east half of the northwest quarter of section 15, east half

of the southwest quarter of section 10, the southeast quarter of section 10, and the southwest quarter of section 11, of township 19, range 15.

SECTION 2. That an act passed April 27, 1896 (92 O. L., page 752), as amended April 19, 1898 (93 O. L., page 543), be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 218L

[House Bill No. 568.]

AN ACT

To authorize the village of New Carlisle, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the village of New Carlisle, Clark county, Ohio, is hereby authorized to transfer any sum not exceeding two hundred and seventy-three and forty-four one-hundredths ($273.44) dollars from the light fund to the corporation fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 219L

[House Bill No. 622.]

AN ACT

To authorize the township trustees of Andover township, Ashtabula county, Ohio, to make an additional levy.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township trustees of Andover township, Ashtabula county, Ohio, be and are hereby authorized to make an additional tax levy for the purpose of raising an amount not to exceed fifteen hundred ($1,500) dollars, for the purchase and erection of a soldiers' monument in the village of Andover, Ohio.

SECTION 2. Provided, however, that no such levy shall be made until the question shall have first been submitted to the qualified electors of said township at some general election; and provided further, that such levy shall be made only after a majority of the qualified electors shall have voted in favor of such proposition.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 220L

[House Bill No. 750.]

AN ACT

To amend section 1 of an act entitled "An act to divide Miami township, Montgomery county, into two election precincts," passed March 27th, 1888.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section one (1) of an act entitled "An act to divide Miami township, Montgomery county, into two election precincts," passed March 27, 1888, be amended so as to read as follows:

Sec. 1. That the township of Miami, county of Montgomery, be and is hereby divided into two election precincts, as follows: Commencing at the east line of said township where the same is intersected by the first half section line north of the Centerville and Miamisburg turnpike; thence following said half section line in a westerly direction to the center of the Centerville and Miamisburg tunrpike; thence in a westerly direction along the center of said turnpike to the crossing of the county road, known as the "Eagle" road; thence following the center of said "Eagle" road to the section line dividing sections 20 and 21; thence by said section line west to the Great Miami river; thence following the river to the Jefferson township line. That all territory south of said line shall be precinct "A," with the voting place at the village of Miamisburg, and that all territory north of said line shall be precinct "B," with the voting place at the village of West Carrollton.

SECTION 2. That said original section 1 is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 221L

[House Bill No. 829.]

AN ACT

To divide the township of Avon, Lorain county, into two (2) election precincts.

Be it enacted by the General Assembly of the State of Ohio:

[SECTION 1.] That the township of Avon, in Lorain county and state of Ohio, be and hereby is divided into two (2) election precincts as follows:

PRECINCT NORTH.

SECTION 2. All of the township of Avon, in the county of Lorain, lying and being north of the right of way of the N. Y., Chicago and St. Louis railway, shall be and constitute one election precinct, and be designated as Avon township, precinct north.

PRECINCT SOUTH.

SECTION 3. All that part of land situated in Avon township, not comprised within said precinct north, shall constitute and be known as Avon township, precinct south.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 222L

[House Bill No. 736.]

AN ACT

To provide for the removal of obstructions in the Scioto river between Greenlawn avenue and [the] Frank road, in Franklin county, Ohio, and repairs of the levee on the left bank of the river adjacent thereto.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The county commissioners of Franklin county, Ohio, are hereby authorized to remove any obstructions such as islands, brush and trees, thereon, in the Scioto river, between Greenlawn avenue and the Frank road, in said county, and to repair the levee on the east side of said river between said points. In the performance of said duties said county commissioners shall employ the county surveyor to make full, complete and accurate working plans for, and estimates of, the removal of such obstructions, and the repair of said levee, and superintend the construction thereof, and thereupon said commissioners shall advertise for proposals to do said work at least thirty days prior to the letting thereof, and shall award the same to the lowest and best bidder therefor, and they shall require adequate security for the performance thereof.

SECTION 2. For the purpose of raising money to defray the cost and expense of repairing said levee, and removing said obstructions, said county commissioners are hereby authorized to issue and sell, according to law, the bonds of said county, amounting in the aggregate to the sum of ten thousand dollars ($10,000). In the issuance, sale and redemption thereof said commissioners shall be governed by the provisions of sections 871, 872, 873, 874 and 875 of the Revised Statutes.

SECTION 3. Should it prove necessary, in order to improve said levee, or remove said obstructions, to acquire any private property, said commissioners shall have authority to purchase such lands or property as may be deemed necessary for such purpose, or to appropriate the same by a proceeding instituted in the probate court of said county, and

such proceeding and the appropriation of such property shall be governed by the provisions contained in chapter eight of title two of part third of the Revised Statutes, but no such land or property shall be taken until the owner thereof has first been compensated therefor in money; but nothing herein contained shall be construed into waiver of any right of the state of Ohio to the waters or premises referred to in this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 223L

[House Bill No. 676.]

AN ACT

Entitled "An act to authorize the council of the village of Coldwater, Mercer county, Ohio, to issue and sell bonds to pay bonds due January 1st, 1901.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the village of Coldwater, Mercer county, in said state, is hereby authorized to issue and sell bonds not to exceed four thousand dollars ($4,000) for the purpose hereinafter mentioned, which bonds when issued, shall be signed by the mayor and clerk of said village, shall bear interest at a rate not exceeding five per cent (5%) per annum payable semi-annually, principal and interest to be payable at such place as the council of said village may direct, and which bonds shall have interest coupons attached. Such bonds shall be made payable in ten years and redeemable in not less than one year, and be issued in amount not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) as council may direct and shall be sold at such times and in such amounts, as in the opinion of said council will best carry out the purpose for which the same are issued; provided, that none of such bonds shall be sold or disposed of for less than their par value with accrued interest to the date of sale of disposal.

SECTION 2. Said bonds or their proceeds shall be used for the purpose of paying off the bonds coming due January 1, 1901, and for no other purpose. And said council is authorized and required annually after said bonds are issued to levy a tax upon all the taxable property in said village, sufficient to provide for the payment of said bonds and interest as the same respectively mature, which tax levy shall be certified by the clerk of said village to the auditor of Mercer county, and collected as other taxes are, and which may be in addition to the other taxation authorized by law in said village.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 224L

[House Bill No. 768.]

AN ACT

To amend section 3 of an act entitled "An act to authorize cities having a population at the last federal census of five thousand five hundred and sixty, or that may at any subsequent federal census have such population, to build a freight and passenger railroad within its limits and to own and control the same," passed March 26, 1890.

[POMEROY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled "An act to authorize cities having a population at the last federal census of five thousand five hundred and sixty, or that may at any subsequent federal census have such population, to build a freight and passenger railroad within its limits, and to own and control the same," passed March 26, 1890, be amended to read as follows:

Sec. 3. The said trustees and their successors shall be the trustees of said fund and shall have the control and disbursements of the same, and control and management of said railway during its construction and after completion of the same; said fund shall be expended in procuring the right of way to construct, and in constructing said railway and for these purposes, said trustees shall have power to make contracts, and to do all things necessary to the complete carrying out of the provisions of this act. Provided, that after any road authorized by the provisions of this act, or any part thereof, shall have been completed, or partially completed, whenever it shall seem to said board of trustees and to the council of such municipality to be for the best interest of said city that said road or the part thereof so completed, or partially completed, should be sold, the said city council by and with the consent of said board of trustees, may by resolution passed by a majority of all the members of said council elected so declare; and said city council, by and with the consent of said board of trustees, may by ordinance provide for the sale of said road (subject, however, to any lease thereof that may have been made, or may hereafter be made by said board of trustees) to such person, persons, partnership, corporation or association, either at public or private sale, and on such terms and conditions as to said board of trustees and council shall seem best; and said board of trustees may execute proper instruments of conveyance to the purchaser or purchasers thereof, and for the passage of such ordinance a majority of all the members elected to said council shall be required; and the proceeds arising from such sale, or so much thereof as is necessary for that purpose, shall be used in extinguishing any indebtedness of said railway, and any balance thereof, shall be turned into the treasury of said city, and such funds arising from said sale shall be used in paying off the indebtedness of said city existing at the date of such sale, and for no other purpose whatever; and to effect such sale, the consent of the board of trustees appointed under the provisions of this act shall be necessary. But before any sale of said road shall take effect and be binding on said city such sale shall be ratified by a majority of all the electors of said city voting in favor of such sale, at an election for such purpose, called by said board of trustees and city council, after giving at least thirty days' notice of such election, in two newspapers printed in said city; and further, that such sale be ratified and con-

firmed by a majority of all the members elected to said council, and by said board of trustees.

SECTION 2. All acts or parts of acts and laws or parts of laws inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 225L

[House Bill No. 843.]

AN ACT

To provide for the encouragement of manufacturing in certain villages.

[MARYSVILLE.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That ten days prior to the election provided for in this act the mayor shall appoint from among the citizens of any village which at the federal census of 1890 had, or at any subsequent census may have, a population of two thousand eight hundred and ten (2,810), a commission of five members, none of whom shall be a member of the council, and not more than three of whom shall belong to one political party, to be known as the "investment and building commission," whose term of office shall continue until the duties herein provided for shall have been performed, not exceeding five years. All vacancies in such commission shall be filled by the mayor. The members of such commission shall take the oath of office and shall give bond in the sum of one thousand dollars ($1,000) with surety, to the satisfaction of the mayor. Such commission shall organize by the election of a president and secretary from its own members and adopt rules for its government, and the members of such commission shall not be paid anything for their services.

SECTION 2. That the council of said village shall issue the bonds of said village in any sum, principal and interest, not exceeding fifty thousand dollars ($50,000), in denominations not exceeding ($1,000) one thousand dollars, at interest not exceeding five (5) per cent. per annum, payable semi-annually and payable after five years and not exceeding twenty years from the date of their issue, as the council of said village may determine. Said bonds shall be sold at not less than par value, and in all respects not herein provided for, in accordance with the provisions of section 2709 of the Revised Statutes of Ohio.

SECTION 3. The proceeds arising from the sale of said bonds, or any portion of them, shall be expended for the purpose of aiding and maintaining manufacturing establishments in any such village by purchasing sites and erecting buildings as the said investment and building commission may determine and the title to such property to remain in such village.

SECTION 4. Before the bonds herein provided for shall be issued, the question of issuing the same, or any portion of them, shall be submitted to a vote of the qualified electors of such village, within one year after the passage of this act, at the usual place of voting in such village and at such times as the council of said village may appoint, to determine the question of issuing said bonds. The ticket to be voted at such election shall have printed or written thereon, "Authority to issue bonds — Yes." "Authority to issue bonds — No." If the proposition to issue bonds be approved by two-thirds or more of those voting thereon at such election, then said council shall issue and sell said bonds as funds are required by said investment and building commission for the purpose of carrying out the provisions of this act. Notice of such election, together with the names of said commission, shall be published in two newspapers published and circulating in such village for not less than ten days prior to such election, which shall, in all respects not herein provided for be managed for and conducted as other municipal elections are, or may be required by law to be managed and conducted in such village.

SECTION 5. To pay the principal and interest of any of said bonds as the same shall become due, said village council shall levy a sufficient tax on all taxable property of said village, in addition to all other taxes authorized by law. Said taxes shall be levied and collected as other taxes in said village.

SECTION 6. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900. 226L

[House Bill No. 903.]

AN ACT

For the relief of H. E. Miller, treasurer of Petersburg special school district of Petersburg, Springfield township, Mahoning county, and state of Ohio.

WHEREAS, On the 1st day of December, 1896, H. E. Miller was treasurer of Petersburg special school district of Petersburg, county of Mahoning and state of Ohio, and as such treasurer had on deposit with the banking house of J. Esterly and company, in Columbiana, Columbiana county and state of Ohio, the sum of two hundred and thirty-six and sixty-seven one-hundredths dollars ($236.67) and

WHEREAS, On the 1st day of December, 1896, the said J. Esterly died suddenly, after which said banking house was not opened until receivers were appointed on the 21st day of December, 1896, to wind up the affairs of said company; and

WHEREAS, The receivers of said banking company will not be able to realize on the assets coming into their hands a sufficient amount to pay the liabilities of said banking company in full; and

WHEREAS, The said H. E. Miller, treasurer as aforesaid, was not furnished with a safe in which to keep said funds; and

WHEREAS, The said banking company did a large and seemingly prosperous business, had on deposit a large amount of money and enjoyed the confidence of the people in the community in which they did business; and

WHEREAS, There has been paid to the said H. E. Miller, treasurer, three five per cent. and one ten per cent. dividend, amounting to sixty and 86-100 dollars; and

WHEREAS, There is in the treasury of said Petersburg special school district funds sufficient that it will not be necessary to levy a special tax; and

WHEREAS, Eighty-eight per cent. of the electors and tax payers of said special district have by their petition expressed a desire to have the said H. E. Miller and his sureties upon his official bond as treasurer of said special district school funds released from any loss or liabilities growing out of the failure of said banking company; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That H. E. Miller, treasurer as aforesaid of Petersburg special school district, in the county of Mahoning and state of Ohio, and the sureties on his official bond as such treasurer, be and the same is hereby relieved from the payment to the board of education of said special school district, of whatever part of said sum of $236.67 that shall remain unpaid to the said H. E. Miller from the said receivers of the said banking house of J. Esterley and company upon the final settlement of its affairs.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 227L

[House Bill No. 907.]

AN ACT

To authorize the township trustees of Jefferson township, Fayette county, Ohio, to purchase a site and erect a town hall and to issue bonds for said purpose.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township trustees of Jefferson township, Fayette county, Ohio, be and are hereby authorized to purchase a site and erect a town hall within the corporate limits of the incorporated village of Jeffersonville, at a cost not to exceed ten thousand dollars ($10,000) and in anticipation of the collection of taxes necessary to pay the cost of constructing said building to borrow money and issue bonds therefor not exceeding ten thousand dollars ($10,000). Said bonds to be of such denominations as said trustees may deem proper and shall run for a period not exceeding seven years and to bear six per cent. interest per annum, payable semi-annually.

SECTION 2. Said township trustees shall annually thereafter cause the necessary tax in addition to that authorized by law to be levied on

the taxable property in said township of Jefferson, to pay said bonds as they become due and interest thereon.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 228L

[House Bill No. 931.]

AN ACT

To transfer lands from joint subdistrict number four, Milton township, Wood county, to subdistrict number one, Jackson township, Wood county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following described lands be transferred from joint subdistrict number four (No. 4), Milton township, Wood county, to subdistrict number one (No. 1), Jackson township, Wood county, being the northwest one-fourth (¼) of section one (1) in said Jackson township, and containing about 168 55-100 acres; also that part of the southwest quarter (¼) of said section one (1) lying north of a certain lane running east and west through said southwest quarter (¼) and containing about 5 68-100 acres.

SECTION 2. That this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 229L

[House Bill No. 146.]

AN ACT

Authorizing the printing of certain county records in counties of this state containing a city of the second grade of the first class.

[CUYAHOGA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all counties of this state containing a city of the second grade of the first class, the records required to be kept by section 1143 of the Revised Statutes; the journals of all official business transacted by the circuit, common pleas and probate courts in civil actions and proceedings; the records of wills; the record of applications and bond of administrators, executors, guardians and trustees; the record of appropriations of land; adoption of infants; designation of heir-

at-law under section 4182 of the Revised Statutes; the records of birth, marriages, death, change of name; judicial sales of land by assignees, administrators, executors, guardians and trustees; proceedings in partition; for dower; real actions brought under chapter 10, title 1, division 7, of the Revised Statutes; to foreclose mortgages; and all actions founded on a contract in writing; also any faded, worn or defaced journal, book or record which it is necessary to have transcribed, together with the alphabetical and general indices required by law to be kept by the clerk of the court of common pleas, county recorder and probate judge, may be printed instead of written in manuscript, the cost thereof to be paid as hereinafter provided, out of the fee fund on the warrant of the county auditor.

SECTION 2. The county commissioners shall, from time to time, upon request of either the clerk of the court of common pleas, county recorder or probate judge, fix an aggregate sum to be expended by the officer making the request for composition, proof reading, press work and binding the records and indices in his office annually. Whenever the amount allowed to be so expended during the year is fixed at more than five hundred dollars, the commissioners shall require the officer to whom such allowance is made to receive tenders for doing the work required from such persons, firms or corporations in the county as may submit the same, and to award the contract therefor to the lowest responsible bidder. When the amount allowed to be so expended is less than five hundred dollars, the officer to whom it is made shall render monthly to the county commissioners an itemized and accurate account of the amount expended in making such records.

SECTION 3. Whenever it shall be necessary to record any map or plat with other matter in a volume, the same shall be printed from a photo-engraved plate of a corresponding size to the other pages of the volume. Four volumes of each record shall be printed and shall be the property of the county, one of which volumes shall be properly signed by the officer charged by law with making the same, and which shall be styled the original; the three other volumes shall be properly certified by such officer as copies of the original. Such original record shall be kept in the proper office for daily public use, one certified copy shall be deposited in the law library for the use of the courts, and the two remaining certified copies shall be placed in some safe depository, secure so far as possible from danger of destruction by the elements, for future use should either the original or the law library copy become worn out or in any manner destroyed.

SECTION 4. That all sections and parts of sections of the Revised Statutes of Ohio relating to the making or keeping of any of the public records herein enumerated, in so far as they are inconsistent with the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 230L

[House Bill No. 647.]

AN ACT

To provide for the payment of councilmen in cities of the first grade of the second class.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That councilmen in cities of the first grade of the second class shall be paid the sum of five dollars ($5.00) per night for each regular or special session of the city council attended by such councilmen, provided that no councilman shall receive as pay for such attendance more than two hundred and fifty dollars in or during any fiscal year. Provided, however, that no councilman shall receive pay for his services as such for any such regular or special session thereof, unless he be present during such entire regular or special session of such council and during the entire session of any adjournment thereof and respond to the call of his name upon the roll call, which shall be made at the beginning and immediately before the adjournment of such session, and said compensation shall be in full for any regular or special session of said council and any adjournment thereof.

SECTION 2. Said payment shall be made monthly and shall be provided for by ordinance setting forth the names of the councilmen entitled thereto, and the meetings attended by them, and the amounts to which they are entitled. Before the passage of such ordinance, the clerk of said city shall endorse thereon his certificate, certifying that the names, meetings and amounts therein specified are correct, and he and his bondsmen shall be personally liable for any incorrectness in such certificate.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 231L

[House Bill No. 833.]

AN ACT

To provide for pensioning policemen in cities of the second grade of the second class.

[DAYTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all cities of the second grade of the second class, any person who has served upon the police force of such city for twenty consecutive years or more, and shall have reached the age of sixty years, upon written application to the board of police directors, accompanied by a certificate of the police surgeon of such city, setting

forth the fact that such person is incompetent to further discharge the duties of his position, or in the discretion of the board of police directors, shall be relieved from further services in the police department, and placed upon the retired list, and during the balance of his life shall be paid from the pension fund hereinafter provided for, forty dollars ($40) per month; and any members of such police force, who, while in the active discharge of his duty as such member, shall be injured so as to disqualify him from such services, shall, during the existence of such disability, as evidenced by the certificate of the police surgeon and in the discretion of the board of police directors, be paid forty dollars ($40) per month from such fund; and any member of such police force who has served upon such force for twenty consecutive years or more, and has become mentally or physically unfit for such service, and unable to earn his living, shall be placed upon the retired list, and shall be paid forty dollars ($40) per month during the continuance of such disability. All orders of retiring members from such force shall be made by the board of police directors.

SECTION 2. In such cities there shall be a board of trustees of the policemen's pension fund, which shall consist of the board of police directors and three members of the police force, to be selected by the members of such police force, by ballot, and who shall serve for three years, without compensation, and, at the expiration of the term of each member so selected, his successor shall be chosen in like manner. In the first instance the members of such board of trustees, chosen as aforesaid, shall be chosen for one, two and three years, respectively. In each election of members of said force, to serve upon said board of trustees, the person receiving the highest number of votes shall be deemed elected. Such board of trustees shall have the care and custody of said pension fund, and shall invest any moneys in such fund available for that purpose, in bonds of the state of Ohio, or of municipalities or counties therein, or of the United States. Such board of trustees may, at any time, sell such bonds for not less than their par value and accrued interest, or in the judgment of the majority of the members of said board of trustees, for a fair market value. Such board of trustees shall audit and order the payment of all pensions which may exist and be payable under this act, such payments to be made monthly. Such board of trustees shall organize annually by the election of one of its members for president, and one for secretary; the secretary shall be required to give bond in the sum fixed by said board.

SECTION 3. If at any time there is not sufficient money or bonds to the credit of the pension fund, to pay to each person entitled to receive pensions as herein before mentioned, the full amount of their several pensions, then the board of trustees shall order the payment of an equal percentage of such pensions to each pensioner, until such fund is so replenished as to be sufficient for the payment of the full amounts of such pensions, and any amounts which have been deducted from pensions on account of the lack of money to pay same, shall be paid to the pensioners entitled thereto, when there shall be money in the fund that can be applied to that purpose, without rendering necessary a reduction of current pensions.

SECTION 4. No portion of the policemen's fund shall, either before or after its order of distribution by the board of trustees to pensioners, be liable to be seized, taken, held, detained or levied upon, by virtue of

any attachment, execution or other legal process or proceedings, for the payment or satisfaction, in whole or in part, of any debt, claim or demand, for any fine or amercement imposed upon such pensioner.

SECTION 5. In case of a vacancy, for any reason, in the elective portion of such board of trustees, such vacancy shall be filled for the unexpired term, in the manner provided for in electing the members of such board.

SECTION 6. The pension fund herein provided for shall be created and replenished as follows: All fines assessed against members of the police department by way of discipline or punishment, together with all gifts, donations and bequests, which may be made for the benefit of such pension fund, and also twenty-five (25%) per cent. of all rewards in money which may be paid to members of the police department on account of special or extraordinary services, one per cent (1%) of the salary of all policemen who have served continuously over ten (10) years from date this act shall take effect, and fifty cents (50) per month be payable by all policemen who have served less than ten (10) years up until such officer shall have served the full period of ten (10) years, at which time he shall pay into said fund the sum of one (1%) per cent. of his salary. Provided, that when the surplus money of such pension fund shall amount to ten thousand dollars ($10,000), no more dues shall be paid so long as said surplus remains at that amount or over; but when the surplus is reduced below such sum, said dues shall again be paid. All money belonging to said fund shall be paid into the city treasury and placed to the credit thereof, and shall be paid out upon the warrant of the secretary of such board of trustees, countersigned by the president thereof.

TWO PER CENT. TAXES FROM FOREIGN INSURANCE COMPANIES.

SECTION 7. The pension fund above referred to shall be further replenished as follows: The county treasurers of counties containing cities of the second grade, second class, shall in their semi-annual settlements with the auditors of their respective counties, pay over to the treasurers of such cities two per cent. (2%) of all moneys received under their annual levy of all taxes paid into the treasuries of their respective counties by foreign insurance companies of their gross receipts under section 2745 of the Revised Statutes, during the half year preceding such semi-annual settlement, and the money paid over to such city treasurer shall be controlled, administered and disbursed according to the provisions of this act.

SECTION 8. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 232L

[House Bill No. 655.]

AN ACT

To amend section 3 of the act entitled "An act to establish a police force in the city of Xenia."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of the above entitled act be amended so as to read as follows, to wit:

Sec. 3. All the powers now vested by law in the authorities of said city, or any of them, respecting the appointment, control, or discipline of the police force, are hereby vested in said commissioners so to be chosen. And said board shall have the general control and supervision of the police force herein authorized; shall make rules and regulations not inconsistent with the law for the government and discipline thereof; and for cause deemed by it sufficient, upon written charges preferred, may, and for wilful violation of law or the mayor's lawful order shall remove a member. Provided, said force and every member thereof shall be subject to the orders of the mayor, whose duty it is to employ the same, in the support, enforcement and execution of the ordinances of said city, and the laws; and provided further that whenever as many as five electors and freeholders in any ward so [of] said city represent to the mayor in writing that the public interests will be promoted thereby, and shall deposit with him two dollars each to defray expenses, he shall appoint one or more fit and competent special policemen, impartial as between candidates, subject to removal by him, to serve at and about the polls in such ward and elsewhere on the day of any election therein, whether general, special or primary, named in such writing, and to see that the laws to prevent bribery, the unlawful use of money, and other corrupt or forbidden practices and acts are observed and enforced, and to arrest all persons found violating the same and make due complaint against them. Every such special policeman shall, during the day of his appointment form a part of said police force, and be clothed with all the powers thereof. He shall, before entering on his duties, take an oath faithfully to discharge the same, and shall be paid by the mayor for his services when concluded, two dollars. In addition to his other duties every other member of said force is especially charged with the duty of seeing that such laws are observed and enforced, and offenders brought to justice.

SECTION 2. Said original section 3 is repealed, and this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 233L

[House Bill No. 847.]

AN ACT

To create the township of Antrim in the county of Wyandot, state of Ohio, a separate road district for macadamizing purposes, and to improve the roads and highways in said township, and to levy and assess taxes for said macadamizing and improving of said roads and highways in said township.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Antrim township, Wyandot county, be and the same is constituted and made a separate and independent road district for the purpose of macadamizing and improving the roads and highways in said township, and for no other purpose, independent of and free from the operation of existing laws relating to the improvement of roads and highways.

SECTION 2. The trustees of Antrim township, Wyandot county, for the purpose of macadamizing and improving the roads and highways in said township so constituted and made a special and independent road district by the provision of section one of this act, be and they are hereby authorized to purchase stone and gravel for the purpose of macadamizing, graveling and improving the roads in said township; and the trustees in determining the division of the road fund and the distribution of said fund to the several roads and highways in said township, shall be governed by the necessities of the roads, the convenience of getting material, the quality of the material necessary to make substantial repairs, and shall, in expending the funds for improving the roads as provided in this section, give preference to those for whom the tax is collected for road purposes, and it shall be the duty of the trustees to see that this provision is observed so far as practicable for the best interests of the roads and tax payers.

SECTION 3. The township clerk shall furnish such trustees with a list of names of all persons in said township by law to do road work, and the amount of said work required by each; and all labor on said roads shall be performed under the direction of the township trustees, who shall have entire control of all roads and all road improvements in said township not now by law under control of the county commissioners; and the office of supervisor of roads is hereby abolished in said township for a period of five years from the first day of April, 1900.

SECTION 4. It shall be unlawful for any person or persons, firm or corporation, either by themselves or agent, to transport over the graveled or macamized roads of Antrim township, Wyandot county, Ohio, between the 15th day of November of any year and the 15th day of May of the following year, a burden of more than 3,600 pounds in any vehicle having a tire less than five inches in width; or a burden of more than 2,500 pounds in any vehicle having a tire of less than four inches in width; or a burden of more than 2,000 pounds in a vehicle having a tire less than three inches in width; or a burden of more than 1,500 pounds in a vehicle having a tire less than 1 7-8 inches in width; provided, however, that when the roads are sufficiently dry or frozen to bear up without injury to the pike or improved road, burdens of greater weight than specified, then, and in that case, the herein mentioned restrictions shall not be in force.

SECTION 5. Traction engines, and all machinery transported upon wagons or trucks, shall be estimated at gross weight, and owners of

said traction engines shall be liable for all damages done the pike roads in said township by said engines at any time of the year.

SECTION 6. In case of the violation of this act any freeholder may and the township trustees shall prosecute the person or persons, or if by agent, the principal thus violating this act, before any justice of the peace in and for said township in action for damages in the name of the state of Ohio, for the use of the pike fund of said township, and on conviction shall be fined not less than five nor more than fifty dollars, and for a second and repeated offense thus violating this act, if convicted the justice of the peace shall, in addition to the fine, render a judgment against the defendant or defendants for any damages done the said pike roads.

SECTION 7. That the taxes authorized to be levied shall be placed by the county auditor upon the taxable property of the township and collected by the county treasurer as other taxes, and when collected shall be paid to the township treasurer of the township from which the same is collected, and be under the control of the township trustees thereof, for the purpose of improving by macadamizing or graveling the public roads and highways.

SECTION 8. The trustees of said Antrim township are hereby authorized to levy a tax on all the taxable property in said township, annually, in addition to the amount now authorized by law, not to exceed three mills on the dollar in any one year, for a period of five years from the passage of this act, for the payment of the expense of the improvement, repair and macadamizing or graveling of the roads in said township.

SECTION 9. That an act entitled "An act creating the township of Antrim, in the county of Wyandot, state of Ohio, a separate road district for macadamizing purposes, and to improve the roads and highways in said township, and to levy and assess taxes for said macadamizing and improving of said roads and highways in said township," passed April 12, 1892 (O. L., vol. 89, pp. 612 and 613), be and the same is hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 234L

[House Bill No. 948.]

AN ACT

To authorize the commissioners of Scioto county to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Scioto county, Ohio, be and they are hereby authorized to transfer the sum of eight thousand dollars ($8,000) from the sinking fund to the general fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 235L

[House Bill No. 929.]

AN ACT

Authorizing the commissioners of Stark county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Stark county, Ohio, are hereby authorized to transfer twelve thousand dollars ($12,000) from the poor fund to the building fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 236L

[House Bill No. 813.]

AN ACT

To regulate water rates in certain cities.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all cities of the first grade of the second class the rates for water furnished by the water-works of said cities shall be equal and uniform to all consumers, including the state of Ohio, as nearly as the same can be estimated or measured by the one thousand (1,000) gallons, without any discrimination whatsoever, either in measurement, price or terms of payment, except that no charge shall be made for supplying water for extinguishing fires or for fire department purposes, and except further that the director of public improvements of said cities may at his discretion fix and establish a minimum meter rate for the service rendered by such water-works department.

SECTION 2. Section 2411-3 of the Revised Statutes of Ohio, being "An act to equalize water rates in certain cities," passed April 24, 1890, volume 87, page 280, Ohio laws, is hereby repealed.

SECTION 3. Section 2417 of the Revised Statutes of the state of Ohio, so far as the same may apply to cities of the first grade of the second class, is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 237L

[House Bill No. 851.]

AN ACT

To create a special school district in the township of Claridon, Geauga county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following lots and parts of lots in the "Holmes tract," in Claridon township, Geauga county, Ohio, to wit: That part of lot No. 7 lying east of the "Taylor road," (so-called) and south of the diagonal road running through said lot, the part of lot No. 10 lying east of said "Taylor road," except lands of R. M. and H. T. Allen, the part of lot No. 11 lying east of said "Taylor road," except lands of C. C. Williams, the part of lots Nos. 14 and 15 lying east of said "Taylor road." except lands of C. A. and C. C. Kellogg, and the following lots and parts of lots in said "Holmes tract, east survey," to wit: Lot 3, section 6, lots 1, 2 and 3, section 7, lots 1, 2 and 3, section 12, lots 1, 2 and 3, section 13, the part of lot 1, section 11, owned by F. A. Wilmot, the part of lot 2, section 11, west of the "Mastick road" (so-called), lot 3, section 11, and lots 1, 2 and 3, section 14, be and the same are hereby constituted and created a special school district, to be known as special district No. 2, of Claridon township.

SECTION 2. Said special district shall be entitled to receive its proportionate share of the school funds, and the funds levied for school-house and incidental expenses in accordance with the enumeration of the year 1899, of children who are entitled to attend school; said funds being now levied and in process of collection, or collected and in the treasury of the county or township, and said special district shall be governed by such laws as are now in force or may hereafter be enacted relating to special school districts.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 238L

[House Bill No. 944.]

AN ACT

To supplement an act entitled "An act relating to the duties and compensation of certain county officers in Pickaway county," passed April 22, 1896 (O. L., vol. 92, page 597), as amended March 29, 1898 (O. L., vol. 93, page 507).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the above recited act be supplemented to read as follows:

Sec. 1. That in Pickaway county the compensation of the clerk of the courts shall be by annual salary exclusively, to be paid in monthly installments, as follows: Clerk of the courts, twenty-six hundred dollars ($2,600); and said officer shall neither receive or agree to receive, directly or indirectly, any additional compensation from any source whatever for the performance or omission of any official duty, nor shall said officer receive a reward of any kind from any employe in his office or other person in consideration of the appointment of any such employe nor any portion of the compensation of any of his employes, nor any money or thing by way of gift or otherwise, from any officer, agent or employe of the county or its commissioners, or from any other person; and no such employe shall pay, or agree to pay, directly or indirectly, to said clerk of the courts by whom he is employed any reward for his appointment, nor receive from any person any fee or compensation for his own use or the use of such officer, for the performance or omission of any official duty.

SECTION 2. That the provisions of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the above recited act, as amended, shall apply to this act.

SECTION 3. This act shall take effect from and after the first Monday of August, A. D. 1900.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900.

239L

[House Bill No. 898.]

AN ACT

To divide the township of Allen, Darke county, Ohio, into two (2) election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township of Allen, in Darke county, state of Ohio, be and is hereby divided into two (2) election precincts, as follows: All of the township of Allen, Darke county, Ohio, lying and being north of section line running east and west between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 25, shall be and constitute one election precinct, to be known as Allen township, north precinct, with voting place at New Weston, Darke county, Ohio.

SECTION 2. All that part of the township of Allen, Darke county, Ohio, not comprised in North precinct, shall constitute and be known as

Allen township, south precinct, with voting place at Rossville, Darke county, Ohio.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 240L

[House Bill No. 698.]

AN ACT

To apportion the fund paid by the commissioners of Henry county to the commissioners of Wood county on account of Beaver creek ditch improvement.

WHEREAS, Beaver creek, a stream having its source in Henry county, Ohio, and flowing through Wood county, Ohio, and emptying into the Maumee river has been improved by the commissioners of Henry county by deepening and widening that portion of said Beaver creek which is in Henry county; and

WHEREAS, Said improvement has caused a large additional volume of water to flow into and through that portion of said creek which is in Wood county, thereby causing said creek to frequently overflow and deluge the lowlands lying adjacent to said creek; and

WHEREAS, The commissioners of Henry county have paid to the commissioners of Wood county the sum of twenty-four hundred ($2400) dollars for the use and benefit of such outlet; and

WHEREAS, It has been found impracticable to deepen and widen that portion of said creek which is in Wood county, so that it will carry said increased volume of water without overflow; and

WHEREAS, Some of the owners of land adjacent to said creek have applied to the commissioners of Wood county for damages by reason of the overflow of said creek; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county engineer of Wood county be required within one hundred (100) days after the passage of this act to ascertain by actual survey or otherwise the entire amount of land so overflowed by reason of the increased volume of water as aforesaid, together with the names of the owners of said land and the amount of such overflowed land belonging to each owner and report the same to the commissioners of Wood county.

SECTION 2. The commissioners of Wood county shall immediately upon receiving the report of said engineer proceed to apportion the said fund of $2400 among the owners of said overflowed land, giving to each owner such a part of the entire fund as the amount of such overflowed land by him shall be to the entire amount of such overflowed land in said county. Provided that the amount of damages already received by the owner of such overflowed land shall be deducted from the amount to be paid to such owner on account of said land under the provisions of this act.

SECTION 3. That the county engineer and county commissioners shall be paid for their services herein out of the general funds of said county.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 241L

[House Bill No. 497.]

AN ACT

To authorize the construction of subways and underground conduits in which to place pneumatic tubes and air conductors in cities of the first grade of the first class.

[CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In cities of the first grade of the first class, the board of city affairs and their successors in office of any such city shall have authority in case such city should not construct its own system of subways (and in the event it does, the board of city affairs or their successors in office, shall have power to contract for the construction of the same), to grant for a term not exceeding twenty-five (25) years to any person, company or corporation for the purpose of constructing subways, laying pipes and operating underground conduits in which to place and maintain pneumatic tubes and other necessary appliances for using same, including the use of compressed air for any purpose or power, permission and authority to construct and operate such subways and underground conduits through the streets, avenues, sidewalks, alleys, lands, squares and public places of such city, with the necessary man-holes, junction-boxes, connecting-boxes, feeders, pipes and other connections and appliances; and it shall be unlawful for any such company to enter upon the construction of any such work, or to open or take up the pavements and the streets, or to make any excavations in any of said streets, avenues, sidewalks, or other public ways of said city until it has first obtained authority so to do from the board of city affairs or their successors in office in cities of the first grade of the first class; and any such person, company or corporation, operating or maintaining the same shall be subject to such reasonable regulations as the board of city affairs or their successors in office in cities of the first grade of the first class shall make concerning the construction and use of such subways and conduits, and the time, manner and mode of placing pneumatic tubes and other conductors therein. And it is hereby made the duty of the board of city affairs or their successors in office to adopt and enforce such rules and regulations so as to secure the construction of said subways and underground conduits in the most approved manner, for the safety of persons and property adjacent to and connected with said subways and underground conduits; such con-

struction shall be under the control and subject to the approval of the chief engineer of the board of city affairs or their successors in office and the fact of such approved and safe construction has actually taken place, shall be certified to in writing by the said engineer before any use shall be made of the same. Provided, however, that no such permission and authority hereinbefore referred to shall be granted by said board of city affairs to any such company until said board shall have advertised in some paper of general circulation in such city on at least one day of each week, for four consecutive weeks, for bids for the grant of such permission and authority, and no such grant shall be made except to the highest bidder, nor for a less compensation to the city than the annual sum of one per cent. of the gross proceeds resulting from the operation of said subways, to be paid for such grant and for the purpose of keeping in repair the streets, sidewalks and other places wherein such subways are constructed and operated; and all such tubes shall be required to be laid in one general subway constructed for the purpose; and said board shall have the right to reject any and all bids.

SECTION 2. Nothing herein contained, however, shall authorize any person, company or corporation to construct such subways or conduits or to excavate any portion of any street, sidewalk or other public way of any such city, until such person, company or corporation has first executed a bond in the sum of two hundred and fifty thousand dollars, conditioned to restore such streets, sidewalks and other public ways to their original state of usefulness, and to keep the same in repair to the satisfaction of the board of city affairs or their successors in office, and its chief engineer for a period of five years from and after such restoration thereof. The board of city affairs or their successors in office in cities of the first grade of the first class in which such subways may be constructed, shall have power to fix the rental to be charged by persons, companies or corporations owning or operating such subways for the use and occupation of such subways or conduits by other companies or corporations desiring to use the same, and shall estimate the same upon a percentage based on the amount invested in the construction, maintenance and operation of said subways and underground conduits.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 242L

[House Bill No. 868.]

AN ACT

To authorize the city of Xenia, Greene county, Ohio, to transfer certain funds therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the city of Xenia, in the county of Greene, and state of Ohio, be and is hereby authorized to transfer one

SECTION 3. That the county engineer and county commissioners shall be paid for their services herein out of the general funds of said county.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 241L

[House Bill No. 497.]

AN ACT

To authorize the construction of subways and underground conduits in which to place pneumatic tubes and air conductors in cities of the first grade of the first class.

[CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In cities of the first grade of the first class, the board of city affairs and their successors in office of any such city shall have authority in case such city should not construct its own system of subways (and in the event it does, the board of city affairs or their successors in office, shall have power to contract for the construction of the same), to grant for a term not exceeding twenty-five (25) years to any person, company or corporation for the purpose of constructing subways, laying pipes and operating underground conduits in which to place and maintain pneumatic tubes and other necessary appliances for using same, including the use of compressed air for any purpose or power, permission and authority to construct and operate such subways and underground conduits through the streets, avenues, sidewalks, alleys, lands, squares and public places of such city, with the necessary man-holes, junction-boxes, connecting-boxes, feeders, pipes and other connections and appliances; and it shall be unlawful for any such company to enter upon the construction of any such work, or to open or take up the pavements and the streets, or to make any excavations in any of said streets, avenues, sidewalks, or other public ways of said city until it has first obtained authority so to do from the board of city affairs or their successors in office in cities of the first grade of the first class; and any such person, company or corporation, operating or maintaining the same shall be subject to such reasonable regulations as the board of city affairs or their successors in office in cities of the first grade of the first class shall make concerning the construction and use of such subways and conduits, and the time, manner and mode of placing pneumatic tubes and other conductors therein. And it is hereby made the duty of the board of city affairs or their successors in office to adopt and enforce such rules and regulations so as to secure the construction of said subways and underground conduits in the most approved manner, for the safety of persons and property adjacent to and connected with said subways and underground conduits; such con-

struction shall be under the control and subject to the approval of the chief engineer of the board of city affairs or their successors in office and the fact of such approved and safe construction has actually taken place, shall be certified to in writing by the said engineer before any use shall be made of the same. Provided, however, that no such permission and authority hereinbefore referred to shall be granted by said board of city affairs to any such company until said board shall have advertised in some paper of general circulation in such city on at least one day of each week, for four consecutive weeks, for bids for the grant of such permission and authority, and no such grant shall be made except to the highest bidder, nor for a less compensation to the city than the annual sum of one per cent. of the gross proceeds resulting from the operation of said subways, to be paid for such grant and for the purpose of keeping in repair the streets, sidewalks and other places wherein such subways are constructed and operated; and all such tubes shall be required to be laid in one general subway constructed for the purpose; and said board shall have the right to reject any and all bids.

SECTION 2. Nothing herein contained, however, shall authorize any person, company or corporation to construct such subways or conduits or to excavate any portion of any street, sidewalk or other public way of any such city, until such person, company or corporation has first executed a bond in the sum of two hundred and fifty thousand dollars, conditioned to restore such streets, sidewalks and other public ways to their original state of usefulness, and to keep the same in repair to the satisfaction of the board of city affairs or their successors in office, and its chief engineer for a period of five years from and after such restoration thereof. The board of city affairs or their successors in office in cities of the first grade of the first class in which such subways may be constructed, shall have power to fix the rental to be charged by persons, companies or corporations owning or operating such subways for the use and occupation of such subways or conduits by other companies or corporations desiring to use the same, and shall estimate the same upon a percentage based on the amount invested in the construction, maintenance and operation of said subways and underground conduits.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 242L

[House Bill No. 868.]

AN ACT

To authorize the city of Xenia, Greene county, Ohio, to transfer certain funds therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the city of Xenia, in the county of Greene, and state of Ohio, be and is hereby authorized to transfer one

thousand dollars ($1,000) from the bridge fund of said city to the street fund of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 243L

[House Bill No. 914.]

AN ACT

To repair and improve the approaches to the Cleveland avenue viaduct over the Pittsburgh, Cincinnati, Chicago and St. Louis railway in Franklin county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Franklin county, Ohio, be and they are hereby authorized to repair and improve by macadamizing, grading and draining the approaches to the Cleveland avenue viaduct over the Pittsburgh, Cincinnati, Chicago and St. Louis railway tracks in Franklin county, Ohio, for a distance of about two thousand five hundred (2,500) feet on the south approach and for a distance of about three thousand five hundred (3,500) feet on the north approach, and not extending beyond Fifth avenue on the north or Buckingham street on the south; provided that said county commissioners shall only be required to improve or pay for improving on either side of the tracks of the Columbus street railway, and be it further provided, that the Columbus street railway company shall be required to improve in like manner under the direction of the county commissioners of Franklin county, Ohio, the space or spaces between said Columbus street railway tracks upon said approaches and for the same distances provided for in this act.

SECTION 2. For the purpose of improving, repairing, grading and draining said approaches, the county commissioners of Franklin county, Ohio, are hereby authorized and empowered to issue the bonds of said Franklin county, Ohio, not to exceed twelve thousand ($12,000) dollars, in sums not less than one hundred ($100) dollars nor more than one thousand ($1,000) dollars each, and said bonds shall be payable at such times as said commissioners may deem expedient, not exceeding six years from date of their issue, and said commissioners are authorized to negotiate and sell said bonds at not less than their par value, but the interest on said bonds shall not exceed five per cent. per annum and the proceeds of sale of said bonds shall not be applied to any other purpose than the payment of the cost and expense of the work and improvement hereinbefore provided, and to pay the interest on said bonds as the same shall accrue.

SECTION 3. Said bonds shall be signed by the commissioners and countersigned by the auditor of Franklin county, Ohio, who shall keep a record of all bonds issued under and by virtue of this act.

SECTION 4. For the purpose of paying the interest and principal of said bonds, said commissioners are hereby authorized and empowered, in addition to the other levies authorized by law, to levy a tax on all taxable property in said county, sufficient in amount to pay said interest and principal, and such tax shall be levied and collected in the same manner as other taxes are levied and collected.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 244L

[House Bill No. 567.]

AN ACT

To amend section 13 of "An act to create and perpetuate a board of trustees of the firemen's pension fund; to provide for distribution of such fund, for the pensioning of disabled firemen and the widows and minor children and dependent mothers or fathers of deceased firemen in cities of the second class, third grade *a*," passed April 25, 1898 (O. L., v. 93, p. 646).

[SPRINGFIELD.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 13 of "An act to create and perpetuate a board of trustees of the firemen's pension fund; to provide for distribution of such fund, for the pensioning of disabled firemen and the widows and minor children and dependent mothers or fathers of deceased firemen in cities of the second class, third grade *a*," passed April 25, 1898 (O. L., v. 93, p. 646), be amended so as to read as follows:

Sec. 13. Any person who has served in the fire department of any such city for twenty-five years, and who is then a regular employe in said fire department may, at the option of the majority of the members of the said board of trustees of the firemen's pension fund, be entitled to receive and may be so paid by said board of trustees, monthly, from the said pension fund, not to exceed twenty-five dollars, or in proportion to the members of beneficiaries of said fund, as the condition of said pension fund will warrant; provided, however, that no member of said board of trustees having any interest, either directly or indirectly, in such claim, shall be entitled to vote thereon; and, provided further, that said board of trustees may, for good cause at any time, suspend the payment of any of said claims or amounts provided for in this act.

SECTION 2. Said original section 13 is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 245L

[House Bill No. 913.]

AN ACT

To authorize the council of the village of Edon, Williams county, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the village of Edon, Williams county, is hereby authorized to transfer two hundred dollars ($200) from the corporation fund to the sewer fund, and fifty dollars ($50) from the corporation fund to the street fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 246L

[House Bill No. 154.]

AN ACT

Relative to the compensation of the members of the election board in and for the city of Newark, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That each member of the board of elections in and for the city of Newark, Ohio, shall be allowed and paid a salary of two hundred dollars per annum, payable semi-annually.

Sec. 2926*t*. Each member of the board of elections appointed under this act, in cities of the first and second grades in the first class, or having a population sufficient to become such, shall be allowed and paid a salary of one thousand dollars per annum. And in cities of the third and fourth grades in the first class, and in the first and second grades of the second class, or cities having a population sufficient to become such, a salary of four hundred dollars per annum, payable quarterly, and in cities of the third grade and the third grade *a*, in the second class, or cities having a population sufficient to become such, a salary of two hundred dollars per annum, payable quarterly, and in cities of the fourth grade in the second class, a salary of fifty dollars per annum, payable semi-annually. The secretary of the board of elections in cities of the first and second grades in the first class, or cities having a population sufficient to become such, shall be allowed and paid a salary of two thousand and four hundred dollars per annum, in monthly payments, and in cities of the third grade in the first class, or cities having a population sufficient to become such, six hundred dollars per annum, in monthly payments. In counties containing a city of the first class fourth grade, each member of the board shall be paid a salary of four hundred dollars, three hundred of which amount is to be from the city funds and one hundred from the general fund of the county in which the city is situated; and the secretary in such city of the first class, fourth grade, shall be paid a salary of six hundred and fifty dollars, four hundred and fifty

dollars of which to be paid from the city funds and two hundred from the general fund of the county, and the money payable from the county funds shall be on warrants drawn by the county auditor upon orders certifying the said services, signed by the president and secretary of the board, said payments to be in monthly installments. And in cities of the first grade, second class, or cities having a population sufficient to become such, a salary of five hundred dollars per annum, in monthly payments, and in cities of the second grade of the second class, or cities having a population sufficient to become such, a salary of one thousand dollars per annum, to be paid in monthly installments, and in cities of the third grade and third grade of the second class, or cities having a population sufficient to become such, a salary of two hundred dollars per annum, and such additional sum, not exceeding one hundred and fifty dollars per annum, as the board may allow, payable quarterly, and in cities of the fourth grade of the second class, a salary of one hundred dollars per annum, payable quarterly, which salaries shall be paid from the city treasury upon orders certifying the said services, signed by the president and secretary, to the city comptroller, city auditor, city clerk of such city. The registrars of each election precinct shall be allowed and paid three dollars per day, and no more, nor for more than six days in any one election, for their services as registrars. The judges of election, including the registrars as such, and the clerks of election so appointed, shall each of them be allowed and paid five dollars for each election at which they serve, and no more, either from the city or county, except that in cities of the third and fourth grades, and third grade *a*, in the second class, they shall each be allowed and paid three dollars for each election at which they serve and no more, either from the city or county. But no registrar, judge or clerk shall be entitled to the compensation so fixed except upon the allowance and order of the board of elections, made at a joint session, certifying that each has fully performed his duty, according to law as such, and stating the number of days' service actually performed by each, and signed by the president and secretary of the board to the city comptroller, city clerk or city auditor of such city, but for all general elections other than municipal, the county in which such city is located shall pay the general expenses of such registration and election; and such allowance and order for such expenses and compensation to such registrars, judges and clerks shall be signed by the president and secretary of such board to the county auditor of such county, who shall issue his warrants upon the county treasury for such amount.

SECTION 2. That this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900.

247L

[House Bill No. 919.]

AN ACT

Supplementary to an act to provide a board of park commissioners and to provide for the acquisition of grounds for parks, park entrances, park driveways and boulevards, and for the improvement, management, and control of parks, park entrances, park driveways and boulevards in cities of the second grade of the first class, passed April 6, 1900.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That, to provide a fund to pay the cost and expense of enlarging the present parks of any city of the second grade of the first class, and for the construction and establishment of such park or parks, park entrances, park driveways and boulevards, as in the opinion of the board of park commissioners of such city, it may be necessary from time to time to establish, and for the improvement of the present parks of such city and the improvement of such park or parks, park entrances, park driveways and boulevards, either within or without the limits of such city, as are or may be established by said park board, it shall be lawful for said board of park commissioners, by a four-fifths vote of said board, and they are hereby authorized, to borrow the sum of one million dollars, and in addition to all funds heretofore authorized to be borrowed for park purposes by the board of park commissioners of any such city, and to issue therefor bonds of such city in the name and under the corporate seal of such city. Said bonds shall be made payable at such time or times, not less than thirty days [years] from the date of their issue, and shall bear interest at such rate, not exceeding the rate of four per centum per annum, as the board of park commissioners shall determine. Said board of park commissioners are further hereby authorized, whenever, in the judgment of said board, it may be proper to grant to the city in which said board of park commissioners is located, or to the county wherein any such city is located, or to the state of Ohio, or to any library board or any board of art trustees, or to any other quasi-public board or body, the right to use so much of any park or parks acquired or to be acquired containing more than twenty acres of land, as may be necessary to erect and maintain public buildings or quasi-public buildings thereon, as provided in section 8 of the act passed April 6, 1900, to enlarge any such park or parks upon which said buildings are to be located, by purchase or appropriation, as provided by law for the acquiring and enlargement of parks, and, upon a vote of four-fifths of the members of said board of park commissioners, to issue for such purpose the notes, obligations, or bonds of the city therefor; said notes, obligations, or bonds to be payable at such time or times and to bear such rate of interest, not exceeding four per centum per annum, as the board of park commissioners shall determine. All bonds, notes, or obligations issued by the board of park commissioners shall be signed by the president of said board and the mayor of such city, and be attested by the city auditor or director of accounts of such city, and shall be secured by the pledge of the faith of such city and the tax which it shall be the duty of said board of park commissioners, or its successors, annually to levy on the real and personal property returned on the grand duplicate, sufficient to pay the interest of said bonds, and to certify the same to the county auditor. Before the maturity of said bonds, the city council of such city shall also levy a tax upon all of said real estate and personal property sufficient to pay the principal of said bonds, and cer-

tify the same to the county auditor. Said tax to pay the interest on said bonds and the principal thereof shall be in addition to the amount now authorized by law to be levied for municipal purposes, and, when so certified, shall be placed upon the grand duplicate of such city by said county auditor and collected according to law; but said board of park commissioners may decline to pay the cost and expense aforesaid, or any part thereof, from the issue of bonds aforesaid, in which event, such cost and expense, or any part thereof, not paid from the issue of bonds, shall be assessed by said board of park commissioners on the lots and lands benefited by the improvement made, as provided in the act of April 6, 1900; and said board of park commissioners shall have power, whenever any special assessments are made as provided in said act, with the approval of the city council, to borrow money in anticipation of the collection of such assessments; and, also, in anticipation of receiving compensation for any portion of any park devoted to the uses of the city, county, library board, board of art trustees, or any other quasi-public board or body, to borrow money in anticipation of the collection of such amount, and issue the notes, bonds, or other obligations of such city therefor, as provided in and in accordance with sections 2704 and 2705 of the Revised Statutes of the state of Ohio; such notes, bonds, or other obligations to be issued in like manner as other notes, bonds, or obligations of such city.

SECTION 2. Said board of park commissioners shall receive bids for said bonds, notes, or obligations from time to time as they may be desired, and dispose of them or any part of them, after advertising them for sale once a week for four consecutive weeks on the same day of the week in two newspapers of opposite politics in general circulation in such city, and shall sell the same for not less than their par value to the highest bidder. The moneys arising from the sale of said bonds, notes, or other obligations shall be placed in the city treasury to the credit of said board of park commissioners in a fund to be called the "park fund." Warrants drawn upon the city treasurer for payments out of said fund shall be designated on their face, "For the purchase of parks, park entrances, park driveways or boulevards," or "For improvement of parks, park entrances, park driveways or boulevards," according as they are drawn for, the one purpose or the other; and a careful account of the condition of said fund shall be kept by the city auditor or director of accounts of said city. No part of the funds realized from the sale of said bonds, notes, or obligations shall be applied to any other purpose than the acquisition of park lands, park entrances, park driveways and boulevards, and the improvement of such parks, park entrances, park driveways and boulevards as are now or hereafter may be acquired; and no part of such fund shall be applied to the expense and management of any of such parks, park entrances, park driveways and boulevards, but the expense of management and control of all parks, park entrances, park driveways and boulevards, now or hereafter established, shall be paid from the annual levy which may be authorized for park purposes, or from other sources.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900.

248L

[House Bill No. 673.]

AN ACT

Relative to the duties and compensation of certain county officers of Marion county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Marion county the compensation of officers hereafter elected shall be by annual salary exclusively except as otherwise provided by section 6 and 9 of this act, as follows: The auditor twenty-eight hundred ($2,800) dollars, the treasurer twenty-six hundred ($2,600) dollars, county surveyor twenty-two hundred ($2,200) dollars, the probate judge twenty-four hundred ($2,400) dollars, the clerk of courts twenty-four hundred ($2,400) dollars, and sheriff twenty-four hundred ($2,400) dollars, the recorder eighteen hundred ($1,800) dollars, prosecuting attorney eleven hundred ($1,100) dollars, each infirmary director two hundred and fifty ($250) dollars, each county commissioner one thousand ($1,000) dollars, coroner one hundred and fifty ($150) dollars; and neither of said officers shall receive, nor agree to receive, directly or indirectly, any additional compensation from any source whatever for the performance or omission of any official duty; provided, however, that the auditor, probate judge, treasurer, sheriff, prosecuting attorney, each county commissioner, and each county infirmary director, when necessary to go out of the county on official business connected with their respective duties, may each, in addition to their salary, charge and receive his actual expenses of transportation to and from the county seat and no more; which expense shall be paid by the county on the warrant of the auditor, on first producing to the auditor an itemized account therefor, approved, in writing, by the prosecuting attorney. The county surveyor shall perform all civil engineering and surveying required of him by the county commissioners or other boards or commissioners in public county service, whether otherwise specifically required of him by the Revised Statutes or not. All such salaries shall be paid by the county in equal monthly installments out of the county treasury on the warrant of the auditor; but if any such officer shall die, resign, or be removed from office, his compensation shall cease at the time of his death, resignation or removal; and no compensation shall be paid by the county to any deputy, clerk, or other employe of such officers.

SECTION 2. All fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by the auditor, probate judge, clerk of the court of common pleas, treasurer, sheriff, recorder, or prosecuting attorney, or by the sheriff, as a special master commissioner, or as receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in sections six and nine, and the total receipts thereof each calendar month by each of said officers, shall, except as otherwise provided in section five, be paid by him to the county treasurer at the close of business on the last business day of each month, and be duly receipted and accounted for by the treasurer; and said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, and by whom paid to him each day and the amounts paid to the treasurer each month and

the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act, until final judgment, except in habeas corpus and divorce cases.

SECTION 3. Each officer mentioned in section two shall, on the first business day of each month, file with the county commissioners a statement verified by his affidavit, showing the full receipts daily by him for the preceding month (and the total for the month) from each of the sources specified in the preceding section, and also a statement verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each; and each statement after the first, of the amounts due and unpaid, shall begin with the showing of the amount theretofore reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires, he shall file with the commissioners like statements, showing such receipts daily since his last statements, and such amounts due and unpaid up to that time.

SECTION 4. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with and observed; and all statements required by the preceding sections to be filed with them shall be carefully preserved, and shall be subject to public inspection during all official business hours; and the account books provided by section two shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer named in section two shall be turned over to his successor in office.

SECTION 5. Each officer mentioned in section two shall exercise due vigilance in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal and certified to the treasurer, authorize the treasurer to omit for forty days to enforce payment of penalties for the nonpayment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section three the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 6. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms the manner in which such prisoners shall be kept and provided for, and shall see that the terms are fully complied with.

SECTION 7. Nothing in this act shall be construed to vest in any officer mentioned in section one such fees, costs, percentages, penalties, allowances and other perquisites as are unpaid at the end of their respective terms, but the same shall be the property of the county, to be collected by their successors in office, and applied as provided in this act;

but fees, costs, percentages, penalties, allowances and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected thereby.

SECTION 8. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county, and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 9. All accounts of costs and fees due to any of the officers named in section one of this act, which remain unpaid for one year, shall, by such officer, be transferred to the prosecuting attorney for collection, who shall, on the first Monday in each month, pay over to the officer for whom the collection is made all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount paid over and enter a statement of such payment on the books of his office; and execution shall be issued on the precipe of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. The prosecuting attorney shall report to the officer for whom he may have received any such accounts on the first day [Monday] of each month, a full statement of all accounts still in his hands uncollected. For such services the prosecuting attorney shall, in addition to the salary provided in section one, receive five per centum on all accounts so collected by him; and where the same is collected by the sheriff on execution issued on the precipe of the prosecuting attorney, the sheriff, in addition to his salary provided in section one, shall be allowed to retain five per centum of the amount actually paid to him on such execution, and no more; and all sums so received by the sheriff shall be paid to him by the prosecuting attorney, less five per centum thereof, to be accounted for by the prosecuting attorney as herein provided.

SECTION 10. If any officer mentioned in section one wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof, or wilfully makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein, he shall be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one year nor more than five, or both. The penalties herein provided for against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall be paid into the county treasury, to the credit of the general fund of the county.

SECTION 11. The official bond required by law heretofore or hereafter taken from any of said officers shall be deemed to make the parties to the same liable for any violation on the part of the officers for whom they are sureties of any of the provisions of this act, and for the faithful performance of all the duties required thereby.

SECTION 12. Any provision of statute in force when this act takes effect, which conflicts with any provision of this act, to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to the said county of Marion, but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 13. This act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 249L

[House Bill No. 686.]

AN ACT

For the relief of W. P. Ebrite, of Liberty township, Adams county, Ohio.

WHEREAS, W. P. Ebrite was at the April election A. D. 1897 duly elected township treasurer of the township of Liberty, Adams county, Ohio; and

WHEREAS, As said treasurer, he in good faith deposited certain funds of said township, to wit: $806.75, of which $345.75 belonged to the trustees of said township and $461 belonged to the board of education of said township, in the bank of J. B. Alexander, of Eckmansville, Adams county, Ohio, which was regarded as a safe and reliable place of deposit; and

WHEREAS, The said J. B. Alexander did on the 14th day of November, 1898, suspend payment and make an assignment of all his property for the benefit of his creditors; and

WHEREAS, The assignee of the said J. B. Alexander has paid upon the amount of said township funds so deposited in said bank, the sum of $462.53, being a dividend of 57 1-3%; and

WHEREAS, Said assignee has settled the estate of the said J. B. Alexander and there will be no further dividends paid, leaving the balance of $344.22 uncollectable, for which the said W. P. Ebrite has settled in full with the trustees and board of education of said township; and

WHEREAS, A large number of resident taxpayers of said township have petitioned this general assembly for the relief of said W. P. Ebrite, treasurer as aforesaid; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Liberty township, Adams county, Ohio, are hereby authorized to levy upon the taxable property of said township a sum sufficient to raise the net sum of $196.69, the amount lost to the said board by said assignment, and certify the same as other taxes; and that the township trustees of said township are hereby authorized to levy upon the taxable property of said township a sum sufficient to raise the net sum of $147.53, the amount lost to the said trustees by said assignment, and certify the same as other taxes; the sums so raised shall be applied to reimburse the said W. P. Ebrite for said amounts that he has advanced to the said board of education and the trustees of said township to make good said losses.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 250L

[Senate Bill No. 332.]

AN ACT

To authorize and direct the county commissioners of Cuyahoga county, to allow and pay a claim for materials furnished and labor performed in and about a certain road improvement on the Lorain road, under and by virtue of a certain contract heretofore entered into by the county commissioners of Cuyahoga county, under the act of March 31st, 1892 (89 Ohio laws, page 199).

WHEREAS, A certain contract was entered into by the county commissioners of Cuyahoga county on the 13th of September, 1897, with the Degnon McLean construction company, for the improvement of the Lorain road, without the certificate of the auditor that the money required for the payment of such contract was in the treasury of said county, to the credit of the fund from which the money to pay said contract was to be drawn, as provided by section 2834*b* of the Revised Statutes of Ohio; and

WHEREAS, Said contract so entered into on the said 13th day of September, 1897, related to the road fund, in which there was at the time of the making of said contract an amount which, taken together with the amount then levied and in the process of collection, and in which there is at this time more than enough money unappropriated to meet all the obligations of said contract, and the said party with whom said contract was entered into as aforesaid, has in good faith furnished material, rendered service and otherwise fully completed the contract on its part to be performed; and

WHEREAS, Doubts have arisen as to the legality of said act of March 31st, 1892; and

WHEREAS, Said county commissioners have from time to time, in accordance with the terms of said contract, made certain payments thereon, and there now remains a certain balance unpaid to said the Degnon McLean construction company by said county commissioners; now, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That said county commissioners of Cuyahoga county are hereby authorized, empowered and directed to order paid to said, the Degnon McLean construction company, with whom said contract was made, the fair and reasonable value of the labor performed and material furnished under and by virtue of said contract out of the fund aforesaid, created under and by virtue of said act of March 31st, 1892; provided the amount paid shall not exceed the amount payable by the terms of said contract, less any and all payments that have been made on said contract.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 251L

[Senate Bill No. 15.]

AN ACT

To authorize boards of education in city districts of the second grade of the first class to issue bonds, for the purpose of purchasing sites, and erecting and furnishing additional school buildings.

[CLEVELAND.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That boards of education in city districts of the second grade of the first class, be and they are hereby authorized and empowered to issue bonds for the purposes as hereinafter set forth in an amount not to exceed three hundred and fifty thousand dollars, payable at such time and place as said boards of education may determine.

SECTION 2. Said bonds shall be issued by said boards; shall contain a citation of the law and resolution authorizing the same; shall be signed by the school director and the auditor of the board, and shall bear interest at a rate not to exceed four per cent. per annum, payable semi-annually.

SECTION 3. The boards of education shall advertise and offer the said bonds for public sale, or so many of said bonds as they shall deem necessary, in the manner and form as provided by an act entitled "An act providing for the sale of public bonds," passed March 22, 1883 (80 O. L., 68). The funds arising from the sale of said bonds shall be used and applied solely to the purchase of sites and the erection of the necessary buildings thereon and for the furnishing and equipping of said buildings or other buildings now in process of construction for high school purposes, or for elementary school purposes, or for administration building purposes.

SECTION 4. To provide for the redemption of said bonds and the payment of interest thereon, said boards of education are hereby authorized and required to levy, annually, until said bonds mature, upon the general tax duplicate, of said district, in addition to its levies for all other purposes, a tax, not exceeding one-tenth of a mill on the dollar in each year. In case there be a board of education sinking fund commission in said school district, the proceeds of said tax so levied, together with the proceeds of the sale of any real estate now owned by said boards of education, and which may be sold before said bonds mature, shall be appropriated and paid over by said boards of education, to the board of education sinking fund commission of said district, and the said commission shall use said funds, for the redemption of said bonds, or for the redemption of any bonds of the said board of education outstanding, and the payment of the interest thereon, and for no other purpose.

SECTION 5. That section 3991*b* of the Revised Statutes of Ohio, as amended April 14, 1892 (89 O. L., 258), and all other statutes inconsistent with any provision of this act, are hereby repealed, so far as the same are inconsistent herewith, and not otherwise.

SECTION 6. This act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900.

252L

[Senate Bill No. 198.]

AN ACT

To amend section 1 of an act entitled "An act to provide for the additional construction of trunk sewers in cities of the first grade of the first class," passed March 25, 1896 (92 O. L., 517).

[CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section one of an act entitled "An act to provide for the additional construction of trunk sewers in cities of the first grade of the first class," passed March 25, 1896 (92 O. L., 517), be amended so as to read as follows:

Sec. 1. That for the construction of trunk sewers in cities of the first grade of the first class, the board of legislation thereof be, and they are hereby required to levy, in addition to the taxes now authorized by law, annually, at the same time and in the same manner that other taxes are authorized to be levied, four-tenths of a mill on the dollar of all the property of such cities subject to taxation, for and during each of the six fiscal years next ensuing after the passage of this act.

SECTION 2. That the act of the general assembly, passed April 21, 1898, entitled "An act to amend section 5 of an act entitled 'An act to provide for the additional construction of trunk sewers in cities of the first grade of the first class,'" passed March 25, 1896 (92 O. L., 517), be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 253L

[House Bill No. 947.]

AN ACT

To authorize boards of education in city districts of the first grade of the first class to issue bonds for school purposes where additional territory is annexed.

[CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That boards of education in city districts of the first grade of the first class be, and they are hereby authorized and empowered, whenever additional territory shall have been annexed to any city of the first grade of the first class, to issue bonds for an amount not exceeding one hundred thousand dollars ($100,000), for the purpose of creating a fund to meet the general school expenses of such districts.

SECTION 2. Such boards [bonds] shall be issued by such boards, and signed by the president and attested by the clerk, officially, and shall be made payable at such time and place as such boards may determine, in not less than one nor more than twenty years, and shall bear interest at a rate not exceeding three and one-half (3½) per centum per annum, pay-

able annually or semi-annually; the bonds shall be in such sums as the board may determine, be numbered consecutively, made payable to bearer and bear date the day of sale. The clerk of the board shall keep a record of the number, date, amount, and rate of interest of each bond sold, the sum for which and the name of the person to whom sold, and the time when payable, which record shall be open to the inspection of the public at all reasonable times; and the bonds so issued shall in no case be sold for a less sum than their par value, and then only to the highest bidder for the same, and shall not bear interest until the purchase money for the same shall have been paid by the purchaser; provided, however, that such boards of education may offer all or a part of such bonds for sale to the trustees of the sinking fund of such cities at par and accrued interest.

SECTION 3. To provide for the redemption of said bonds, and payment of the interest thereon, such boards of education shall annually levy upon all the taxable property of such districts such tax as may be sufficient in rate and amount to pay the interest and provide a sinking fund to pay such bonds at maturity, and such tax may be additional in rate and amount to all other taxes authorized to be levied by such boards of education for any and all other purposes; and the limitation provided in section 2689 of the Revised Statutes shall not apply to such levy. The trustees of the sinking fund of cities of the first grade of the first class are hereby made and constituted the trustees of the sinking funds of boards of education in city districts of the first grade of the first class; and it shall be the duty of said boards of education to turn over to such trustees of the sinking fund, annually, the amount collected from such levy, to be set aside as a sinking fund to pay the interest and principal of said bonds; and it shall be the duty of said trustees of the sinking fund to receive said amounts and to pay therefrom the interest coupons on such bonds as they may become due, and redeem the said bonds; and said sinking fund trustees shall have power to invest said amounts in the same manner as they are authorized by law to invest the funds of such cities; and they are further authorized to invest said amounts in the bonds issued by the boards of education in city districts of the first grade of the first class, if they choose so to do; provided, however, that all interest earned by such investment of said funds shall be used solely for the purpose of redeeming said bonds issued by said boards of education; and provided further, that it shall be the duty of said sinking fund trustees, from time to time, after ten years from the date of said bonds, to redeem so many of said bonds as the said sinking fund, together with whatever interest it may have earned, then in their hands, may be able to redeem, upon the passage of a resolution by the board of education requesting them so to do; and provided further, that in lieu of the annual amounts resulting from such levy for the sinking fund herein provided for, the said boards of education may surrender to the trustees of the sinking fund of cities of the first grade of the first class any of said bonds unissued by said boards of education, or any of said bonds redeemed by said boards of education, equivalent in par value to the said annual amount resulting from such levy herein required, which bonds shall thereupon be cancelled by said trustees, and that thereupon the said boards of education shall pay to said board of trustees of said sinking fund, annually, the interest only on the bonds issued, outstanding and redeemed; and provided further, that the trustees of said

sinking funds shall annually report to the said boards of education, in writing, the condition of the funds hereby created, and the bonds hereby provided for. Any unexpended balance remaining in the fund created by the issue and sale of said bonds, shall not be diverted by said boards of education for any other purpose, and shall be immediately transferred by said boards to the trustees of the sinking fund as aforesaid, to be by them placed to the credit of the sinking fund herein provided for, and to become part and parcel thereof, and to be by them invested as herein provided, and to be applied for the same purpose as in such sinking fund.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 254L

[House Bill No. 702.]

AN ACT

To amend an act passed April 25th, 1898 (93 O. L., 697), to divide Marion and Spencer townships, in Allen county, Ohio, so as to make another election precinct.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the townships of Marion and Spencer, in Allen county, Ohio, be divided so as to make another election precinct, as follows: To consist of six sections of Marion township, the same being all that portion of said township situated west of the Miami and Erie canal and numbered as follows: 1, 2, 3, 10, 11 and 12; and also six sections off of the north end of Spencer township and numbered as follows: 13, 14, 15, 22, 23 and 24. That said election precinct shall be known as Landeck precinct and the voting place shall be at the village of Landeck.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 255L

[House Bill No. 834.]

AN ACT

To authorize county commissioners of any county containing cities of the second grade of the second class [to locate, widen, deepen and straighten certain waterways, and to establish and construct levees along their banks].

[MONTGOMERY COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of any county containing a city of the second grade of the second class through any part

of which flows a stream, which in times of freshet overflows its banks and inundates the surrounding country, in which county a petition has been or may be filed with the board of county commissioners under chapters one (1) and four (4), or either of them, title six (6), and part two (2) of the Revised Statutes of Ohio, to locate, widen, deepen and straighten such stream, or to erect, establish and construct levees on its banks, or for one or more of such purposes, by reason of which proceeding property generally shall be sought to be protected, and such improvement has been or shall be attempted to be made by said board of county commissioners, and for which improvement land has been or shall be apportioned and which improvement has been or shall be wholly inadequate to confine the waters of such stream within its proper channel, are hereby authorized and empowered to enter into a contract, or contracts, for the making of such further improvements, in accordance with plans and specifications to be furnished by a competent civil engineer. And should said commissioners determine to make such improvements, or any of them, they shall adopt a proper resolution declaring such intention, and such contract, or contracts, shall be made for the performance of such work in the manner provided by law for making other county contracts.

SECTION 2. In the event the commissioners of any such county shall determine to make such improvement, they shall apply to the payment of the costs incurred thereby any moneys remaining unexpended out of funds heretofore created and set aside for the payment of the costs of land appropriated, and costs incurred in attempting to make such improvement; and should said funds be insufficient to make such improvement, as contemplated, then such commissioners are hereby empowered and authorized to levy and collect upon the grand tax duplicate of such county a sufficient tax on each dollar of valuation of taxable property in such county to defray the entire costs of such improvement.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 256L

[Senate Bill No. 98.]

AN ACT

Relative to the duties and compensation of certain county officers of Muskingum county, and regulating the appointment and compensation of their deputies, clerks, assistants and employes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Muskingum county the compensation of officers hereafter elected shall be by annual salary exclusively, except as otherwise provided by sections eight and eleven of this act as follows: The auditor, twenty-five hundred dollars; the probate judge, twenty-

four hundred dollars; the clerk of the court of common pleas, two thousand dollars; the treasurer, twenty-four hundred dollars; the sheriff, twenty-two hundred ($2,200) dollars; the prosecuting attorney, fourteen hundred dollars; the recorder, fifteen hundred dollars; the surveyor, eight hundred dollars; the coroner, three hundred dollars; each county commissioner, one thousand dollars; each infirmary director, two hundred dollars: and neither of said officers shall receive, nor agree to receive, directly or indirectly, any additional compensation from any source whatever for the performance or omission of any official duty; provided, however, that the auditor, probate judge, treasurer, sheriff, prosecuting attorney, surveyor, and each county commissioner, when necessary to go out of the county on official business connected with their respective duties, may each, in addition to his salary, charge and receive his actual expenses of transportation to and from the county seat and no more; which expenses shall be paid by the county on the warrant of the auditor, on first producing to the auditor an itemized account therefor, approved, in writing, by the prosecuting attorney. All such salaries shall be paid by the county in equal monthly installments out of the county treasury, on the warrant of the auditor; but if any such officer shall die, resign or be removed from office, his compensation shall cease at the time of his death, resignation or removal.

SECTION 2. Each of the officers may select and name the persons, if any, to be employed in his office as deputies, clerks, assistants, or employes, and may designate the position or capacity in which they shall each serve, respectively, but the number of such deputies, assistants, clerks, or employes, if any, shall be determined by the board of county commissioners, and in determining the number of such deputies, assistants, clerks, or employes, for any office, such board shall have in view the number of such deputies, assistants, clerks or employes in each such respective office, during the year preceding the passage of this act; but no person shall be selected and named by any such officers and allowed by said board, than are absolutely necessary to properly perform in connection with said officer, the work required in any such office, having in view the economical administration of said respective offices. Provided, that the employment of deputies, assistants, clerks or employes, temporarily, in addition to the regular employes may be authorized by said board of commissioners for a period of not more than forty days, when satisfied that the business of any such office necessarily requires such temporary additional help. But no appointment of any such deputy, assistant, clerk or employe shall be made, either temporarily or permanently, except upon the written authorization of said board of commissioners, which authorization shall be filed in the office of the county auditor, and which shall state the number of such deputies, assistants, clerks, or employes, and the character and extent of the duties and services which each of said deputies, assistants, clerks or employes are respectively selected to perform. The compensation of each such deputy, assistant, clerk or employe, shall be determined by the board of county commissioners at a regular session of said board of county commissioners and shall be entered upon their journal or order book. The said board shall fix such compensation at a reasonable amount consistent with the character and extent of the work to be performed by each, and shall at all times have in view, in fixing said compensation, the economical and efficient administration of any such office, and shall fix such compensation at such an amount as shall be consistent there-

with; but the total compensation of all persons permanently employed shall not be more than an amount equal to forty-five per cent. of the regular salary fixed in this act for the officer under which said person shall serve.

SECTION 3. Each officer mentioned in section one hereof, allowed any deputy, assistant, clerk or employe, under this act, shall on the first business day of each month submit to the county commissioners a pay-roll for the preceding month, which shall show the name and official title of such officer, the name of each person employed in his office for the month covered by the pay-roll in the capacity in which he was employed, and also the salaries of the officers, and compensation of the employes respectively, the allowance per day for temporary clerks or assistants, if any such have been employed, and the amount due each. There shall be attached to each [such] pay-roll a statement by such officer in person, under oath, that the pay-roll is correct in every particular, and that he is not to receive directly or indirectly, any portion of the compensation shown thereby to be due to any deputy, assistant, clerk or employe whose name is entered thereon. If the commissioners find upon examination that such pay-roll is correct they shall endorse thereon their approval of the same after it has been approved by the prosecuting attorney, and file the same with the county auditor who shall draw his warrant on the county treasurer in favor of the respective persons whose names appear thereon, for the amount shown thereby to be due them, respectively, giving to each officer, deputy, assistant, clerk or employe a warrant for his salary or compensation, and take their receipts therefor, on the pay-roll, on the right hand margin opposite their respective names in a space headed "Received from the county auditor a warrant for the amount shown thereon due me."

SECTION 4. All fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by the auditor, probate judge, clerk of the court of common pleas, treasurer, sheriff, recorder, or prosecuting attorney, or by the sheriff as a special master commissioner, or as receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in sections 8 and 11, and the total receipts thereof each calendar month by each of said officers shall, except as otherwise provided in section 7, be paid by him to the county treasurer at the close of business on the last business day of each month, and be duly receipted and accounted for by the treasurer; and said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, and by whom paid to him each day, and the amounts paid to the treasurer each month, and the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; provided that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act, until final judgment, except in habeas corpus and divorce cases.

SECTION 5. Each officer mentioned in section 4 shall, on the first business day of each month, file with the county commissioners a statement verified by his affidavit, showing the full receipts daily by him for the preceding month (and the total for the month), from each of the

sources specified in the preceding section, and also a statement verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each; and each statement after the first, of the amounts due and unpaid, shall begin with the showing of the amount theretofore reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires, he shall file with the commissioners like statements, showing such receipts daily since his last statements, and such amounts due and unpaid up to that time.

SECTION 6. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with and observed; and all statements required by the preceding sections to be filed with them shall be carefully preserved, and shall be subject to public inspection during all official business hours; and the account books provided by section 4 shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer named in section 4 shall be turned over to his successor in office.

SECTION 7. Each officer mentioned in section 4 shall exercise due vigilance in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal and certified to the treasurer, authorize the treasurer to omit for forty days to enforce payment of penalties for the nonpayment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section 5 the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 8. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms the manner in which such prisoners shall be kept and provided for, and shall see that the terms are fully complied with.

SECTION 9. Nothing in this act shall be construed to vest in any officer mentioned in section 1, such fees, costs, percentages, penalties, allowances and other perquisites as are unpaid at the end of their respective terms, but the same shall be the property of the county, to be collected by their successors in office, and applied, as provided in this act; but fees, costs, percentages, penalties, allowances and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected thereby.

SECTION 10. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county, and all warrants issued by the county auditor in pursuance thereof, shall be drawn upon said fund.

SECTION 11. All accounts of costs and fees due to any of the officers named in section one of this act, which remain unpaid for one year, shall, by such officer, be transferred to the prosecuting attorney for collection, who shall, on the first Monday in each month, pay over to the

officer for whom the collection is made, all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount paid over and enter a statement of such payment on the books of his office; and execution shall be issued on the precipe of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. The prosecuting attorney shall report to the officer from whom he may have received any such accounts on the first Monday of each month, a full statement of all accounts still in his hands uncollected. For such services the prosecuting attorney shall, in addition to the salary provided in section one, receive five per centum on all accounts so collected by him; and where the same is collected by the sheriff on execution issued on the precipe of the prosecuting attorney, the sheriff, in addition to his salary provided in section one, shall be allowed to retain five per centum of the amount actually paid to him on such execution, and no more; and all sums so received by the sheriff shall be paid by him to the prosecuting attorney, less five percentum thereof, to be accounted for by the prosecuting attorney as herein provided.

SECTION 12. If any officer mentioned in section one wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof, or wilfully makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein, he shall be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one year nor more than five, or both. The penalties herein provided for against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall be paid into the county treasury, to the credit of the general fund of the county.

SECTION 13. The official bond required by law heretofore or hereafter taken from any of said officers shall be deemed to make the parties to the same liable for any violation on the part of the officers for whom they are sureties of any of the provisions of this act, and for the faithful performance of all the duties required thereby.

SECTION 14. Any provision or statute in force when this act takes effect, which conflicts with any provision of this act, to the extent that it is inconsistent with the latter, and not otherwise, shall be held to be superseded by this act as to the said county of Muskingum, but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 15. This act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 257L

[Senate Bill No. 286.]

AN ACT

To divide Miami township, Clermont county, into four election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Miami township, Clermont county, are authorized to divide said township into four voting precincts, one to be located in the village of Milford, one in the village of Loveland, one in the village of Perintown and one in the village of Mulberry or such other place than the village of Mulberry as they may direct.

SECTION 2. The trustees shall assign such territory to each of these precincts as shall make them as near equitable in size and convenient to reach as possible, save that the territory embraced in the village of Branch Hill and Epworth Heights camp ground shall be transferred to Loveland precinct.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 258L

[Senate Bill No. 360.]

AN ACT

To authorize the trustees of Prospect township, Marion county, Ohio, to sell real estate and to issue bonds to erect township house.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Prospect township, Marion county, Ohio, be and they are hereby authorized to sell at public auction township property now held for township hall purposes, after duly advertising the sale thereof for three weeks in a newspaper of general circulation in said township, and apply the proceeds of such sale to a fund for the erection of a joint township and village hall to be erected by the township of Prospect and the village of Prospect in Marion county, Ohio.

SECTION 2. That the said trustees be, and they are hereby authorized to issue bonds not to exceed two thousand dollars, payable in not to exceed seven years, with interest not to exceed six per cent. per annum, payable annually, and sell said bonds and to apply the proceeds thereof toward the erection of a joint township and village hall to be erected by the said township of Prospect and village of Prospect, Marion county, Ohio, and said trustees are hereby authorized to levy a tax not to exceed four mills on the dollar valuation to meet the principal and interest of said bonds.

SECTION 3. This act shall take effect and be in force on and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 259L

[Senate Bill No. 235.]

AN ACT

To authorize the commissioners of Cuyahoga county, Ohio, to provide for deficiency in the general fund for said county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Cuyahoga county, Ohio, to meet and provide for a deficiency in the general fund of said county, be and they are hereby authorized to borrow any sum of money not exceeding fifty thousand dollars ($50,000) and to execute and issue notes or bonds for the same, payable at such time, not exceeding three years from the date thereof, as may be deemed best by said commissioners, bearing interest at not to exceed five per cent. per annum, payable semi-annually. Said notes or bonds shall not be sold for less than par value.

SECTION 2. That for the payment of the interest on, and for the final redemption of said notes or bonds, the commissioners of said county are hereby authorized to levy taxes upon all the taxable property of said county, at a rate not to exceed two-tenths (2-10) of one mill on the dollar, annually, in addition to the levies now authorized by law, for such fund as may be found necessary to pay the interest on said notes or bonds and to provide a sum sufficient to pay the same, as tney become due and payable; provided, that the tax levy hereby authorized shall not extend beyond four years. Said notes or bonds shall be signed by the county commissioners, or any two of them, and be countersigned by the county auditor.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 260L

[Senate Bill No. 2.]

AN ACT

To authorize the county commissioners of the county of Franklin to use general expense fund in purchasing a burial lot in the Green Lawn cemetery, for volunteer soldiers, sailors and marines.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the said county commissioners be, and the same are hereby authorized to use and expend $3,500 from general expense fund in Franklin county, Ohio, purchasing a lot in Green Lawn cemetery, situated in said county, to be used as a burial ground for the bodies of volunteer soldiers, sailors or marines, serving at time of death in the army or navy of the United States, or honorably discharged therefrom.

SECTION 2. When any person desires to have a body interred in said burial lot, application therefor shall be made to the auditor of said

county, and upon said auditor being satisfied that the person whose body is sought to be buried in said lot, was, at the time of his death, a volunteer soldier, sailor or marine of the United States, or had been honorably discharged therefrom, he shall notify the proper officers of the association, to which said cemetery shall belong, that said body may be buried in said lot.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 261L

[Senate Bill No. 354.]

AN ACT

Authorizing the township trustees of Greenville township, Darke county, Ohio, to remove all bodies from abandoned private burial grounds in section 36, township 12, range 2 east, in Greenville township, Darke county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township trustees of Greenville township, Darke county, Ohio, are hereby authorized to remove all bodies remaining or being buried in abandoned private burial grounds located in section thirty-six (36), township twelve (12), range two (2) east in Greenville township, Darke county, Ohio, and to remove all stones and monuments marking the graves thereof and to re-inter said bodies and re-erect such stones and monuments in some suitable and public ground in the near vicinity and to pay for the same out of the township treasury; provided, however, that they shall cause notice first to be given to the family, friends or kindred of the deceased, if known to such board of trustees, of the order for their removal, and of the time within which, not less than twenty days, such removal must be made and that it is desired that such removal be made by the friends or kindred of the deceased, and if at the expiration of such time removals have not been made, such board of township trustees shall cause them to be made as aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 262L

[Senate Bill No. 319.]

AN ACT

To authorize the commissioners of Hamilton county, Ohio, to purchase the Walnut Hills, Madison and Plainville turnpike.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Hamilton county, Ohio, be and they are hereby authorized to purchase the turnpike road known as the Walnut Hills, Madison and Plainville turnpike, from the north corporation line of the village of Oakley to the village of Madisonville, and that part from its intersection with the Wooster pike to the village of Madisonville and owned by the Walnut Hills, Madison and Plainville turnpike company; provided that all of said turnpike road known as the Walnut Hills, Madison and Plainville turnpike lying between the north corporation line of the village of Oakley and the Wooster pike, can be purchased for a sum not in excess of twenty-five hundred ($2,500) dollars.

SECTION 2. For the purpose of paying the purchase price of said road, the said commissioners are hereby authorized to pay the purchase price therefor, out of the contingent fund, if there is a sufficient amount to the credit of said fund to make such payment; and in the event that there is not a sufficient amount in said contingent fund for said purpose, that then for the purpose of raising the money necessary to purchase said road, the commissioners are hereby authorized to issue bonds of the county, bearing interest not to exceed four (4%) per cent. and payable in not less than twenty (20) years from date; and in addition to their other powers of taxation, to levy such rate of tax upon the general duplicate for the year or years during which said bonds have to run, as may be necessary to raise a fund to pay said bonds at their maturity and the interest thereon as the same matures.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 263L

[Senate Bill No. 92.]

AN ACT

Relative to the duties and compensation of certain county officers of Morrow county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in Morrow county the compensation of officers hereafter elected shall be by annual salary exclusively, except as otherwise provided by section six and nine [of this act] as follows: The auditor, fifteen hundred dollars; treasurer, thirteen hundred dollars; probate judge, fourteen hundred dollars; clerk of the court of common pleas, ten hundred and fifty dollars; sheriff, fourteen hundred dollars; recorder, six hundred dollars; prosecuting attorney, four hundred dollars; coroner, fifty dollars; each county commissioner, five hundred dol-

lars; each infirmary director, one hundred dollars; and no officer herein mentioned shall receive, or agree to receive, directly or indirectly, any additional compensation from any source whatever for the performance or omission of any official duty; provided, however, that the auditor, probate judge, treasurer, sheriff, prosecuting attorney, surveyor, and each county commissioner, when necessary to go out of the county on official business connected with their respective duties, may each, in addition to his salary, charge and receive his actual expenses of transportation to and from the county seat and no more; which expenses, shall be paid by the county on the warrant of the auditor, on first producing to the auditor an itemized account therefor, approved, in writing, by the prosecuting attorney. All such salaries shall be paid by the county in equal monthly installments out of the county treasury, on the warrant of the county auditor; but if any such officer shall die, resign, or be removed from office, his compensation shall cease at the time of his death, resignation or removal; and no compensation shall be paid by the county to any deputy, clerk or other employe of such officers.

SECTION 2. All fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by the auditor, probate judge, clerk of the court of common pleas, treasurer, sheriff, recorder, or prosecuting attorney, or by the sheriff, as a special master commissioner, or as a receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in sections 6, and 9, and the total receipts thereof each calendar month by each of said officers, shall, except as otherwise provided in section five, be paid by him to the county treasurer at the close of business on the last business day of each month, and be duly receipted and accounted for by the treasurer; and said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, and by whom paid to him each day and the amounts paid to the treasurer each month and to the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act, until final judgment, except as in habeas corpus and divorce cases.

SECTION 3. Each officer mentioned in section two shall, on the first business day of each month, file with the county commissioners a statement verified by his affidavit, showing the full receipts daily by him for the preceding month (and the total for the month) from each of the sources specified in the preceding section, and also a statement verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each; and each statement after the first, of the amounts due and unpaid, shall begin with the showing of the amount theretofore reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires, he shall file with the commissioners like statements, showing such receipts daily since his last statements, and such amounts due and unpaid up to that time.

SECTION 4. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with and observed; and all statements required by the preceding sections to be filed with them shall be carefully preserved, and shall be subject to public inspection during all official business hours; and the account books provided by section two shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer named in section 2 shall be turned over to his successor in office.

SECTION 5. Each officer mentioned in section two shall exercise due vigilance in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal and certified to the treasurer, authorize the treasurer to omit for forty days to enforce payment of penalties for the non-payment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section three the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 6. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms the manner in which such prisoners shall be kept and provided for, and shall see [that] the terms are fully complied with.

SECTION 7. Nothing in this act shall be construed to vest in any officer mentioned in section one such fees, costs, percentages, penalties, allowances and other perquisites as are unpaid at the end of their respective terms, but the same shall be the property of the county, to be collected by their successors in office, and applied, as provided in this act; but fees, costs, percentages, penalties, allowances and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected thereby.

SECTION 8. All moneys paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county, and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 9. All accounts of costs and fees due to any of the officers named in section one of this act, which remain unpaid for one year, shall, by such officer, be transferred to the prosecuting attorney for collection, who shall, on the first Monday in each month, pay over to the officer for whom the collection is made all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount paid over and enter a statement of such payment on the books of his office; and execution shall be issued on the precipe of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. The prosecuting attorney shall report to the officer from whom he may have received any such accounts on the first Monday of each month, a full statement of all accounts still in his hands uncollected. For such services the prosecuting attorney shall, in addition to the salary provided in section 1, receive five per centum

on all accounts so collected by him; and where the same is collected by the sheriff on execution issued on the precipe of the prosecuting attorney, the sheriff, in addition to his salary provided in section 1, shall be allowed to retain five per centum of the amount actually paid to him on such execution, and no more; and all sums so received by the sheriff shall be paid by him to the prosecuting attorney, less five per centum thereof, to be accounted for by the prosecuting attorney as herein provided.

SECTION 10. If any officer mentioned in section one wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof, or wilfully makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein, he shall be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one year nor more than five, or both. The penalties herein provided for against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall be paid into the county treasury, to the credit of the general fund of the county.

SECTION 11. The official bond required by law heretofore or hereafter taken from any of said officers shall be deemed to make the parties to the same liable for the violation on [the] part of the officers for whom they are sureties of any of the provisions of this act, and for the faithful performance of all the duties required thereby.

SECTION 12. Any provision of statute in force when this act takes effect, which conflicts with any provision of this act, to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to the said county of Morrow, but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 13. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representaties.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 264L

[Senate Bill No. 325.]

AN ACT

To authorize the trustees of the Methodist Episcopal church of Mutual, Champaign county, Ohio, to convey to the township trustees of Union township, Champaign county, Ohio, title to and control of the Mutual Methodist Episcopal cemetery in Union township, Champaign county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of the Methodist Episcopal church of Mutual, Union township, Champaign county, Ohio, may and are hereby authorized to convey to the township trustees of Union township, Champaign county, Ohio, and their successors in office, the title to and control

of the Mutual Methodist Episcopal church cemetery, located in said township, and the trustees of said township and their successors in office shall accept the same and take possession thereof and take care of and keep the same in repair, and hold, treat and manage the same in all purposes as required by the statute relating to public burial grounds.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 265L

[Senate Bill No. 205.]

AN ACT

To relieve certain road commissioners in Marion county.

WHEREAS, J. A. Russler, George Hagerman and L. H. DeLauder were road commissioners of the New Bloomington and Gurley pike located in Marion county, and as such commissioners they, in good faith, deposited the funds of said road in the Marion Deposit bank, which failed on the 19th day of October, 1896, and that $739.13 of the funds of said road commissioners, of said road, were thereby lost without any fault of said commissioners; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the said road commissioners, J. A. Russler, George Hagerman and L. H. DeLauder, be and they are hereby relieved of any responsibility or liability whatever on their official bonds or otherwise for the said loss of said $739.13, by reason of the failure of the bank in which said funds were deposited.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 266L

[Senate Bill No. 327.]

AN ACT

To authorize the commissioners of Guernsey county to construct free turnpike roads, and, to issue and sell the bonds of the county for that purpose.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Guernsey county be and they hereby are authorized and empowered to construct free turnpike roads,

or otherwise change, repair and improve the roads within the county, and for that purpose they may select and use such of the main traveled roads leading from the county seat and principal towns in the county into and through the several townships as in their opinion will best serve the public interest. Before selecting the road or roads to be so improved, the commissioners shall cause the county road superintendent, or if there be no such superintendent, then by three viewers by them appointed, together with the county surveyor, to examine said roads, and to ascertain as near as may be the kind [and] quantity of the material most accessible thereto suitable for road construction, and on the completion of such examination said road superintendent, or said viewers and surveyor, as the case may be, shall report in writing to the commissioners, fully and specifically, the condition of each of said roads, the changes in location, width and grade, if any, necessary to be made, and shall designate the kind of material to be used and the estimated cost of the improvement required of each of said roads. Upon the filing of said report, the commissioners shall duly consider the same, and if in their opinion the improvements shown by the report of the road superintendent, or viewers and surveyor, are necessary and practicable, they shall select and desginate on their journal the order and extent of such improvements, and shall proceed to construct the roads contemplated by this act.

SECTION 2. The roads constructed or improved under this act shall be opened not more than sixty nor less than forty feet wide, and the road-bed shall be at least twenty-one feet in width, and not less than eight feet along one side thereof shall be a well bedded stone road, properly rolled and firmly compacted, and finished with a sufficient layer of finely crushed stone, limestone or gravel, and on the other side thereof shall be a firm, smooth dirt track, and the whole so constructed, crowned, rolled and compacted as to form a double track road on the same grade; but the commissioners may, in their discretion, cause the whole width of said road-bed to be stoned and finished as aforesaid; and said roads shall be provided with all necessary side drains, waste-ways and under-draining, and with substantial bridges and culverts. [Before any road shall be improved in the manner aforesaid, the county commissioners shall cause the same to be changed, altered and properly located.]

SECTION 3. If it appear to the satisfaction of the commissioners that it is necessary to change the width, grade or location of any road, the commissioners may, upon their own motion, and without petition or notice, designate the particular parts of said roads where such changes, or either of them, are deemed necessary, and appoint the viewers and surveyor as provided in section 4642 of the Revied Statutes, who shall proceed to view the particular parts of said road so designated, and in their proceedings they and the commissioners shall be governed, as far as practicable, by the provisions of title 7, chapter 2, of the Revised Statutes; provided that the county road superintendent, if any appointed, shall accompany said viewers and surveyor and assist in making said changes, and [said] viewers and surveyor shall not be required to view and report upon said road except the parts so designated.

SECTION 4. For the purpose of providing funds for the construction of such permanent roads so selected and desginated, the commissioners are hereby authorized and empowered to issue from time to time as may be required, not exceeding thirty thousand dollars in any year,

and sell the bonds of the county, not exceeding in the aggregate the [amount] of $150,000, to be known as "the road improvement bonds," which bonds shall be in denominations of one hundred or a multiple of one hundred, not exceeding one thousand dollars, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually; the principal of said bonds shall be payable in thirty years, and redeemable at the pleasure of the commissioners after ten years from the date of issue; both principal and interest to be payable at the office of the county treasurer; said bonds shall not be sold for less than their par value and accrued interest; and for the purpose of paying the interest on such bonds and creating a sinking fund for the redemption of the same, the commissioners are hereby authorized and directed to levy upon all the taxable property of the county, in addition to all other taxes authorized by law, not exceding two mills on the dollar valuation each and every year until said bonds are fully paid.

SECTION 5. All such roads constructed or improved under this act, when completed, shall be and remain under the control of the county commissioners, and they shall perform all the duties and have all the powers of the board of pike directors under the provisions of title 7, chapter 10, of the Revised Statutes. For the purpose of providing a fund for the maintenance and repair of such roads, the commissioners shall levy annually such tax as may be necessary for said purpose upon all the taxable property of the county, not exceeding two mills on the dollar in any year, which fund shall be expended under the direction of the commissioners. The provisions of this act are in lieu of sections 4878, 4879, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888 and 4903, of the Revised Statutes and said sections are declared inoperative in said county of Guernsey.

SECTION 6. The bonds mentioned in section three shall not be issued until authorized by a vote of the qualified electors of said county; and the commissioners of said county are hereby authorized and required, at the next April election held thirty days after the entry on their journal of the order designating the roads to be improved, as provided in section one of this act, shall cause proper notice to be given and take the necessary steps to submit the question of the issue of said bonds to the qualified electors of the county. Such election shall be conducted under the election laws, so far as the same are applicable; the judges of election shall keep a separate poll book of such election, and the returns thereof, duly certified as in other cases, shall be made to the county auditor, who, with the probate judge and the clerk of the court of common pleas of the county, shall open the same and declare the result, and a statement thereof, duly certified by said officers, shall be entered on the commissioners' journal. In any election under this act, those voting in favor of the proposition shall have written or printed on their ballots, "For road bonds—Yes," and those opposed shall have written or printed on their ballots, "For road bonds—No." If a majority of the electors voting on said question at said election vote in favor of the issue of bonds, the commissioners shall thereupon proceed to issue and dispose of the same as herein provided. And if said proposition fail of adoption at said election, the commissioners may at any time after six months again submit the question at a general election, or at a special election called for that purpose, due notice thereof being given, and if a majority of the electors voting on said question at such general or special election

vote in favor of the issue of said bonds, then it shall be lawful and the commissioners are authorized to issue and sell the same as herein provided.

SECTION 7. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 267L

[Senate Bill No. 335.]

AN ACT

Directing the township treasurers of Brown county to pay over certain moneys for road purposes to the county treasurer.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township treasurer of each township in Brown county shall pay over to the county treasurer of said county all money now in the treasury of his township belonging to the fund provided by law for keeping in repair the improved roads in said township; and said money when so paid to the county treasurer shall be part of the road fund of said county to be applied to, and used for repairing the improved roads in said county, under the direction of the county commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 268L

[Senate Bill No. 95.]

AN ACT

To amend an act to authorize the county commissioners of Ross county to levy a tax for the purpose of constructing, extending or finishing free turnpikes, and to repair free turnpikes already constructed; and to repeal an act passed April 19, 1898 (O. L., vol. 93, page 557).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Ross county are hereby authorized, when in their judgment the public interests demand it, to cause to be constructed or finished free turnpikes, and to repair free turnpikes already constructed, on or near any state or county road in said county, of such width as in their judgment may seem best, and if the commissioners decide that the public will be benefited by changing

the course of any state or county road, they shall proceed to make such change in the manner now prescribed by law for locating and changing state and county roads, unless by an agreement of the land-owners through whose land the road may pass, and without compensation for land used, and also except where the estimate of the engineer shows that the road can be constructed for less money on a new line, and then the cost of construction and compensation paid must not exceed the estimate of cost for construction on the old road, but in all other respects in the construction of said roads, they shall proceed in accordance with sections 4770, 4771, 4772 and 4773 of the Revised Statutes; provided, that not more than two thousand dollars shall be expended in any township for the above purpose, and when the same is not sufficient to complete such turnpike road or roads, the commissioners may receive contributions from those interested sufficient to finish the same.

SECTION 2. Before said commissioners shall proceed to let contracts for the construction or finishing, or the repairing of free turnpikes already constructed in said county, they are hereby authorized, in addition to what they are now by law allowed, to levy an additional tax on all the taxable property of the county, not exceeding the sum of ten thousand dollars in any one year, for the above purpose, nor shall they let contracts to exceed the amount of the tax levied annually, and the whole amount levied [under] the provisions of this act shall not in the aggregate exceed the sum of twenty thousand dollars.

SECTION 3. That an act passed April 24, 1896 (O. L., vol. 92, p. 638), and amended April 19, 1898, be and the same is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 269L

[House Bill No. 937.]

AN ACT

Relative to the duties and compensation of certain county officers in Athens county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The compensation of the following named officers, to be hereafter elected in Athens county, Ohio, shall be by annually salary exclusively, to be paid in equal monthly installments as follows: Probate judge, eighteen hundred dollars ($1,800); clerk of courts, sixteen hundred and fifty dollars ($1,650); auditor, two thousand dollars ($2,000); treasurer, two thousand dollars ($2,000); commissioners, six hundred dollars ($600) each and expenses, but in no year shall the aggregate amount of such expense account for each exceed the sum of two hundred dollars; the prosecuting attorney, eight hundred dollars ($800) in his office as prosecutor; the commissioners of said county shall in addition

thereto pay said prosecutor, as adviser for county, township and municipal officers, such sum as may be agreed upon, but in no year shall said sum exceed the amount of $400; the sheriff, two thousand dollars ($2,000) and in addition thereto, when the sheriff, in his official capacity is beyond the limits of his county, he shall be paid his necessary expenses incurred in this discharge of his duties, and he shall further be entitled to retain for his own use whatever money he may receive under any contract with the county commissioners or any municipal authorities for keeping and providing for prisoners in the county jail. No officer above named shall in any manner receive from the county or from any other source any further compensation for the performance of his official duties.

SECTION 2. All moneys arising from the collection of fees, costs, percentages, penalties, all allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by any officer above named, shall, when collected, be for the sole use of the county, and on the first Monday of each month, each of said officers shall pay all moneys so collected for the preceding month into the county treasury to the credit of the general revenue fund. Each officer on the day of the semi-annual settlement of the treasurer with the auditor of the county, and also on the day of the expiration of his term of office, shall file a statement of all fees, costs, percentages, penalties, allowances and other perquisites then due and uncollected in his office, and also a statement of those collected, and shall likewise retain a copy thereof in some convenient form in his office, which shall be accessible to the public at all reasonable times, and when any fees, costs, percentages, penalties, allowances or other perquisites are earned and unpaid, the same shall have the force and effect of [a] judgment at law and execution may issue therefor, upon the motion of the officers or upon a precipe duly filed by a resident taxpayer of the county.

SECTION 3. It shall be the duty of the county commissioners to see that the provisions of this act are complied with, and they shall have full access to all books and records at any and all times, either for themselves or for any one employed by them for the purpose, to ascertain by examination whether the books and accounts of the officers mentioned are legally and correctly kept, and shall have power to subpoena witnesses and examine them under oath touching any matter concerning the collection and payment over of the fees, costs, percentages, penalties, allowances and other perquisites of any of said officers.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 270L

[Senate Bill No. 185.]

AN ACT

To authorize cities of the first grade of the first class to issue bonds for $7,500.00 to pay for property heretofore or hereafter appropriated for street purposes; and to repeal an act passed April 25th, 1898, entitled "An act authorizing cities of the first grade of the first class to issue bonds to pay for property appropriated, to open, extend, widen or straighten streets."

[CINCINNATI.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in cities of the first grade of the first class the board of city affairs or its successors shall have the power to issue bonds in the name of such city and under the corporate seal thereof in a sum not to exceed $7,500, to provide a special fund to pay the cost and expense of property hereafter or heretofore condemned and appropriated to public use, for the opening, widening or extending of any road, street, avenue or highway in any such city. Said bonds shall be made payable in not less than ten years, nor more than fifteen years from the date of their issue, bearing interest not to exceed four per cent. per annum, to be signed by the president of such board of city affairs, and by the mayor of such city, and to be attested by the city auditor of such city, and be secured by the pledge of the faith of such city, and by a tax, which it shall be the duty of the board of legislation of such city annually to levy upon all the taxable property of such city, and to certify the same to the county auditor of the county in which said city is situated, upon a certificate from such board of city affairs or its successors, as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of such bond. Said tax shall be in addition to the amount authorized by law, to be levied for municipal purposes.

SECTION 2. The money arising from the sale of said bonds shall be placed in a fund, to be called "the special street appropriation fund." The sinking fund trustees of said cities shall be offered said bonds at their par value with accrued interest, and if said sinking fund trustees decline to buy the same, then the board of city affairs of said city shall advertise said bonds for sale for two consecutive weeks in a newspaper of general circulation in said city, and the highest bidder for said bonds, providing the same is not less than the par value thereof with accrued interest, shall be awarded the bonds.

SECTION 3. Said funds shall only be used for the purpose of paying the necessary compensation and expenses connected therewith, determined upon in proceedings heretofore or hereafter instituted by the city for the condemnation and appropriation of property necessary for the opening, widening or extending of any city road, street, avenue or highway. The money shall only be paid out upon a resolution passed by the board of city affairs of such city or its successors and upon vouchers properly approved by said board.

SECTION 4. The act entitled "An act to authorize cities of the first grade of the first class to issue bonds to pay for property appropriated, to open, extend, widen or straighten streets," passed April 25, 1898, is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 271L

[House Bill No. 920.]

AN ACT

To authorize villages situated in any county containing a city of the second grade of the first class to borrow money for the purpose of paying judgments recovered against them.

[CUYAHOGA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That whenever a judgment for money has been or may be recovered in any court of this state against any village situated in any county containing a city of the second grade of the first class, which such village from its limit of taxation is unable to pay and there are not sufficient funds in its treasury which can be applied to the payment of the same, the council of such village is hereby authorized to borrow money for the purpose of paying such judgment or any part thereof, and to issue the bonds or notes of the village therefor, payable in not more than five years after date and bearing interest at the rate not exceeding 6 per centum per annum, payable semi-annually. The proceedings in reference to the issue and sale of such bonds or notes shall be governed by the provisions of chapter two, division nine, title twelve of the Revised Statutes, so far as the same may be applicable.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 272L

[House Bill No. 859.]

AN ACT

To provide compensation for the members and secretary of boards of elections in cities of the first grade of the second class for their services in the conduct of primary elections.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be allowed and paid to each member of the board of elections and to their secretary in cities of the first grade of

the second class in Ohio, in addition to the salary elsewhere provided by law, as compensation for their services in the conduct of primary elections by said boards and their secretary, the sum of three hundred dollars per annum, payable quarterly from the general fund out of the city treasury, upon the vouchers of said board, certified by the president and secretary thereof, and the necessary levy shall be made to meet the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 273L

[Senate Bill No. 170.]

AN ACT

To provide for the compensation of boards of directors of workhouses in cities of the first grade of the second class.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Each member of the board of directors of work-houses in cities of the first grade of the second class shall receive the sum of five dollars for each days' attendance at the meetings of such board, but such compensation shall not exceed one hundred and fifty dollars in any one year for each member. Such compensation shall be paid out of the work-house fund of such cities upon vouchers certified by a majority of such boards upon which the warrants of the director of accounts upon the treasuries shall be based.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 274L

[Senate Bill No. 334.]

AN ACT

Relative to the expenses of certain officers of Brown county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the prosecuting attorney of Brown county may, in addition to his salary, charge and receive his actual expenses when necessarily away from the county seat in the performance of official business connected with his respective duty, which expenses shall be paid

by the county on the warrant of the auditor, on first producing to the auditor an itemized account therefor, approved in writing by the commissioners of the county.

SECTION 2. In the years of the decennial appraisement the county commissioners may, if they deem it necessary so to do, allow and pay to the county auditor a sum not exceeding four hundred dollars, to be fixed by the county commissioners, for the employment of a clerk for said auditor to assist in the discharge of the duties of his said office during said years; which sum when so fixed and allowed shall be paid to said auditor in addition to his salary now fixed by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 275L

[Senate Bill No. 326.]

AN ACT

To authorize the appointment of a county road superintendent in Guernsey county, and to provide for the better care, supervision and maintenance of the roads of the county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Guernsey county be and they are hereby authorized and empowered to appoint a county road superintendent for said county as hereinafter provided.

SECTION 2. Within thirty days after the taking effect of this act, the county commissioners of said county shall cause notice to be published in at least two newspapers of general circulation in said county for four consecutive weeks, inviting applications for appointment as county road superintendent, which notice shall specify the time within which applications may be filed, which shall not be less than twenty days after the last publication of said notice; and similar notices shall be published from time to time as may be required for applications [applicants] for said office.

SECTION 3. Such applications shall be filed with the countty auditor, and every application, in order to entitle the applicant to appear ior examination, or to be examined, must state the name, age, residence and postoffice address of the applicant, and his business or employment and residence for the five previous years. When one or more of such applications shall have been filed, notice thereof shall be given by the commissioners to a judge of the court of common pleas residing in their judicial subdivision, and said judge is hereby authorized and directed, as soon as convenient and within a reasonable time after the receipt of such notice, to appoint a committee of four persons, one of whom shall be a member of the county board of school examiners and one shall be the county surveyor, and two shall be citizens of the county, having the necessary qualifications, who shall examine the applicants; and all appointments on such committee, both original and to fill vacancies,

shall be so made that not more than two committeemen, shall, at the time of appointment, be members of the same political party.

SECTION 4. As soon as convenient after appointment, the committee shall organize, and shall fix a standard for grading the examination; and the county auditor shall thereupon transmit to said committee all such applications filed with him. The committee shall fix a time for holding the examination, which shall be at the court-house; and said committee shall mail notice to the address of each applicant of the time and place of such examination at least ten days prior thereto.

SECTION 5. Such examination shall be written, and shall be practical in its character, and shall include the subjects of surveying, civil engineering, geology and road construction, and such other subjects as will, in the opinion of the committee, fairly test [the] capacity and qualifications of the applicant to discharge the duties of county road superintendent. To each applicant who shall pass the examination at the standard fixed by the committee, the committee shall issue a certificate, showing that the applicant has passed the examination, and the grade thereof, and that, in the opinion of the committee, such applicant possesses adequate knowledge to discharge the duties of said office. Each member of said committee shall be allowed and paid, out of the county expense fund, the sum of four dollars, and no more, for holding an examination.

SECTION 6. At their next regular or special session held after the examination of applicants, the commissioners shall consider the applications of all persons, if any, holding certificates of said committee, and if in the opinion of the commissioners any of such applicants are suitable and competent, they shall thereupon select and appoint one of such applicants county road superintendent; and if no appointment be made from the list of those holding certificates, or if no certificates shall have been issued at said examination, the commissioners shall thereupon cause another notice to be given, inviting applications, and another committee shall be appointed, and applicants shall be examined in the manner hereinbefore provided, until a suitable and competent person, in the opinion of the commissioners, shall be appointed; and no person shall be appointed to said office originally or to fill a vacancy who has not first received a certificate from the committee. Such certificates, for the purpose of appointment under this act shall continue in force for four years from date thereof, and no longer.

SECTION 7. The county road superintendent so appointed shall hold office for a [the] term of three years, unless sooner removed, and until his successor shall be duly appointed and qualified. Within ten days after notice of his appointment, he shall take an oath of office, and shall give bond for the faithful performance of his duties in a sum not less than $2,000, with sureties to the satisfaction of the commissioners, which bond shall be filed with the county auditor. Such superintendent may be removed from office at any time by the commissioners for cause, which cause shall be fully stated on their journal at the time of such removal; and the commissioners shall fill all vacancies. Such superintendent shall be paid as compensation the sum of nine hundred dollars ($900) per year, payable monthly; and he shall be allowed and paid in addition thereto for necessary expenses such sum as the commissioners shall deem reasonable and sufficient, not exceeding three hundred dol-

lars ($300) p. year; and such compensation and expenses shall be paid out of the county expense fund.

SECTION 8. When properly qualified, the road superintendents shall have the supervision of the roads and bridges within the county, and for that purpose he shall superintend and direct the several road supervisors and pike superintendents in the discharge of their respective duties, and endeavor to establish an intelligent and systematic method of road work. He shall prepare specifications for all road work and all contracts for the construction of roads or the repair and maintenance [thereof, ordered or let by the commissioners, and shall inspect such work, and all contracts for road construction, or for the repair and maintenance] of roads made by the commissioners after the taking effect of this act shall provide that the work and the material used shall be subject to his approval; and no payment shall be made for any such work or material except upon his estimates and certificate that the same is in compliance with the contract. Whenever necessary, he shall divide the roads into sections, and the work thereon shall be let according to such sections. He shall furnish to the parties in interest estimates for the work done and material furnished at such times as the contract may provide. He shall, upon the request of the commissioners, inspect and report upon the condition of any culvert, bridge or bridges in the county; and he shall, without such request, report any bridge which in his opinion requires immediate repairs. All bridge specifications shall be subject to his approval, and no payment shall be made on any bridge contract for the construction or repair of a bridge, or the material therein, or for the stone work and masonry thereof, or the fills and approaches thereto, except upon his estimates and certificate that the same is in compliance with the contract. And said superintendent shall perform such other and further duties as the commissioners may direct.

SECTION 9. After the taking effect of this act, all taxes for road purposes levied or assessed in said county by the county commissioners or by the township trustees shall be paid in money as other taxes are paid. The provisions of this act are in lieu of sections 2829, 2830, 4737, 4928 and 4755, of the Revised Statutes, and the same [are] hereby declared inoperative in said county of Guernsey; and all provisions of any other section or sections of said statutes authorizing or permitting taxes to be discharged by labor on the public roads or highways are hereby suspended in said county.

SECTION 10. All road taxes levied by the township trustees after the passage of this act shall be placed by the auditor on the duplicate and collected, and the county treasurer shall collect the same without charge or commission, and when collected shall be paid to the township treasurer of the township from which the same was collected, and be under the control of the township trustees thereof for road purposes; and said trustees shall apportion the money so collected to the respective road districts, and in the expenditure thereof the trustees shall be governed by the amount of money available for the purpose in the respective districts; provided, that if the public interests require a change in such apportionment, the trustees may transfer funds from one district to another in the same township.

SECTION 11. The township trustees of any township in said county may contract by the year for furnishing the material and the repair and

maintenance, or for the material and for the repair and maintenance separately, of the main travelled roads, or any part thereof, in their respective townships. For the purpose of letting such contracts, the trustees shall cause the road or roads to be contracted for to be divided into suitable sections, and the same shall be let by sections. All contracts shall be publicly let to the lowest responsible bidder, after thirty days' notice thereof, published in some newspaper of general circulation in the county, and by hand bills judiciously posted in the township; said trustees reserving the right to reject any and all bids. Such contracts shall be let upon specifications of the material to be used and the repairs and maintenance required, which specifications shall be furnished by the county road superintendent. Bidders shall be required to separately state their bids for material and for the repairs and maintenance, as the trustees may require. Contractors for such work shall give bond, with at least two freeholders resident of the county as sureties, in double the amount of the contract price, for the faithful performance of the contract, payable to the township trustees for the use of the township. Such contracts shall provide that the same shall be performed to the satisfaction of the county road superintendent, and no payment shall be made on any such contract except upon his certificate that the same has been complied with.

SECTION 12. The township trustees shall annually, at a regular session, fix the per diem to be allowed and paid for teams and driver and labor employed on the roads in their respective townships; and they shall employ such number of teams and workmen and at such times as the road supervisors may designate, but the aggregate expenditure therefor in any district shall not exceed in any year the amount apportioned to such district; and in making such employment the trustees shall give preference, other things being equal, to the citizens of the township and respective road district, and if necessary the trustees may advertise for workmen and teams.

SECTION 13. For the purpose of obtaining funds to meet the requirements of any contracts, or for the payment of teams and labor on the roads, pending the collection of the taxes for road purposes under this act, the trustees of the several townships in said county are hereby authorized to borrow money to an amount sufficient for said purpose, and issue therefor, from time to time, the notes or certificates of indebtedness of the township, bearing interest not exceeding six per cent. per annum, and the sum or sums so borrowed, with the interest, shall be provided for and paid out of the levy for road purposes not later than the next ensuing year. Such notes or certificates shall be signed by the trustees officially, and attested by the township clerk, and a record thereof kept by said clerk.

SECTION 14. Each road supervisor in said county shall receive for his compensation two dollars per day for each day's service in the performance of his duties; and it is hereby made the duty of the several supervisors of said county, in addition to the duties now prescribed by law, to report in writing to the county road superintendent, from time to time as he may direct, the condition of the roads in their respective districts, of the work done, and of the amount and character of the repairs, if any, required, and as to the manner of working and caring for the roads, they shall follow the instructions and directions of the county road superintendent. The provisions of this section are in lieu of sec-

tion 1533 of the Revised Statutes, and said section is hereby declared inoperative in said county.

SECTION 15. The road supervisors shall have immediate supervision of the roads and of the work and workmen in their respective districts, except as to the roads, or part thereof, which may be under contract for repair and maintenance as provided in section eleven, and they shall submit requests to the trustees from time to time, as required, for teams and workmen, and they may discharge any workman for cause. Each supervisor shall keep an account of the date and time each team and workman is employed, and of his own time; and he shall issue from time to time as required statements of the time employed and the amount due each workman for labor and teams, and after being verified and corrected as to computation, by the township clerk, shall be vouchers for the clerk to draw his order on the township treasurer for payment; and the provisions of section 1512 of the Revised Statutes so far as they apply to payment on said statements, are hereby declared inoperative in said county. Each supervisor shall make a sworn, itemized statement of his own account, together with a verified copy of the statements aforesaid by him issued, and present the same to the trustees at their regular meeting; and such supervisor's account, when approved in writing by the trustees, shall be a voucher for the clerk to draw his order on the township treasurer for the amount thereof in favor of such supervisor; and all expenditures under this section and under section eleven shall be paid out of the township road fund and charged to the proper district; and said several supervisors for default in office or failure to perform their duties shall be subject to the same penalties as are provided in such cases in the Revised Statutes.

SECTION 16. At the next April election held after the passage of this act, the county commissioners shall cause proper notice to be given and take the necessary steps to submit the question of the approval of the provisions of this act to the qualified electors of the county. Such election shall be conducted under the election laws of the state, so far as the same are applicable; the judges of election shall keep a separate poll book of such election, and the returns thereof, duly certified as in other cases, shall be made to the county auditor, who with the probate judge and the clerk of the common pleas court of the county shall open the same, and declare the result, and a statement thereof, duly certified by said officers, shall be entered on the commissioners' journal. In any election under this act, those voting in favor of the provisions of said law shall written or printed on their ballots, "For new road law—Yes," and those opposed shall have written or printed on their ballots, "For new road law—No." If a majority of the electors voting on said question at said election vote in the affirmative, this act shall take effect and be in force from and after such result is declared by the officers aforesaid, and not otherwise.

SECTION 17. This act shall take effect from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900.

276L

[Senate Bill No. 329.]

AN ACT

To authorize the board of education of Monday special school district to levy additional taxes for the purpose of maintaining the schools therein.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Monday special school district, Ward township, Hocking county, be and they are hereby authorized and empowered to levy a tax on all the taxable property of said district not exceeding in all ten mills on the dollar, for the support and maintenance of the schools in said district, to be used for any purpose now authorized by law. Said levy to be made only for the years 1900 and 1901.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 277L

[Senate Bill No. 260.]

AN ACT

To authorize the commissioners of Hamilton county, Ohio, to purchase the Hamilton, Springfield and Carthage turnpike and the Port Union and Glendale turnpike.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Hamilton county be, and they are hereby authorized to purchase the turnpike road known as the Hamilton, Springfield and Carthage turnpike from the Butler county line to the southern terminus of said turnpike and owned by the Hamilton, Springfield and Carthage turnpike company, and also to purchase the turnpike road known as the Port Union and Glendale turnpike from the Butler county line to the south corporation line of the village of Glendale in Hamilton county and owned by the Port Union and Glendale turnpike company. Provided, the said turnpike road, known as the Hamilton, Springfield and Carthage turnpike, between said points, can be purchased for a sum not in excess of eleven thousand dollars and the said turnpike road between said points, known as the Port Union and Glendale turnpike, can be purchased for a sum not in excess of one thousand dollars.

SECTION 2. For the purpose of paying the purchase price of said roads, or either of them, the said commissioners are hereby authorized to pay the purchase price therefor out of the contingent fund, if there is a sufficient amount to the credit of said fund to make such payment, and, in the event that there is not a sufficient amount in said contingent fund for said purpose, that then, for the purpose of raising the money necessary to purchase said roads, or either of them, the commissioners are hereby authorized to issue the bonds of the county, bearing interest

not to exceed four per cent. (4%) and payable in not less than twenty years from date, and in addition to their other powers of taxation to levy such rate of taxes upon the general duplicate for the year or years during which said bonds have to run as may be necessary to raise a fund to pay said bonds at their maturity and the interest thereon as the same matures.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 278L

[House Bill No. 906.]

AN ACT

To authorize the village council of Coshocton, Ohio, to pave the west side of the Walnut street school-house grounds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the village council of the incorporated village of Coshocton be and are hereby authorized to pay one-half of the costs of paving Seventh street where the same abuts upon the west side of the Walnut street school-house grounds; and to construct a suitable sidewalk along the east side of Seventh street along the west side of said school-house grounds.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 279L

[House Bill No. 845.]

AN ACT

To divide Belpre township, Washington county, Ohio, into three election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Belpre township, Washington county, Ohio, be divided into three election precincts as follows: That sections 19, 25, 26 and 27, town 1, range 9, shall form Belpre precinct, and the voting place shall be at Belpre village. That sections 31, 32 and 33, town 1, range 9, and sections 1, 2, 3, 7, 8, 9, 13, 14 and 15, town 2, range 10, shall form Rockland precinct, and the voting place shall be at Rockland. That sections 19, 20, 21, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35 and 36 and 33 towns 1 and 2, range 10, shall form Little Hocking precinct, and the voting place shall be at Little Hocking.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 280L

[House Bill No. 358.]

AN ACT

To authorize boards of county commissioners of all counties which at the last federal census, or which at any succeeding federal census shall have a population of not less than 42,373 nor more than 42,380, to require persons convicted of misdemeanors, to work out their sentences.

[TRUMBULL AND WASHINGTON COUNTIES.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of any county which at the last federal census, or which at any succeeding federal census shall have a population of not less than 42,373 nor more than 42,380, may provide that any person who has been convicted of a misdemeanor under our state laws by any court of competent jurisdiction and who has been sentenced to confinement in the county jail, who refuses or neglects to pay the fine and costs imposed upon such conviction, shall be kept at hard labor during the period of such sentence of confinement and until, at the rate of sixty cents per day, inclusive of Sundays, he shall have earned an amount equal to such fine and costs.

SECTION 2. The board of county commissioners may make suitable regulations to conduct such labor to the best advantage, and in a manner consistent with [the] age, sex and health of the prisoners; and such labor may be done at the county jail, or upon the public highways or elsewhere, within the county, as the county commissioners may direct and under the charge and supervision of such officers or persons as the county commissioners may select.

SECTION 3. This act shall be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 281L

[House Bill No. 823.]

AN ACT

For the relief of William Fogarty.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of public service and its successors be and are hereby authorized and required to pass a voucher or warrant upon the treasurer of the city in Cincinnati in favor of William Fogarty

for the sum of six hundred and eighty–four dollars and eighty–one cents, together with interest thereon from the 28th day of December, 1899; and the auditor of said city of Cincinnati is hereby authorized and required to issue his warrant upon the treasurer of said city of Cincinnati in favor of the said William Fogarty for the sum of six hundred and eighty–four dollars and eighty–one cents ($684.81) with interest as aforesaid out of any money in the treasury of the said city of Cincinnati to the credit of the general fund not otherwise appropriated.

SECTION 2. The board of city affairs and its successors are hereby authorized and required to pass a voucher or warrant upon the treasurer of the city of Cincinnati in favor of the trustees of the sinking fund of the said city for the sum of seventy–six dollars and nine cents ($76.09), together with interest thereon from the 28th day of December, A. D. 1899; and the auditor of the said city of Cincinnati is hereby authorized and required to issue his warrant upon the treasurer of the said city of Cincinnati in favor of the said trustees of the sinking fund of the said city of Cincinnati for the said sum of seventy–six dollars and nine cents ($76.09) with interest as aforesaid, out of any money in the treasury of the said city to the credit of the general fund not otherwise appropriated; and the said trustees shall hold and invest the said sum until the 27th day of December, 1901, and out of it shall pay for such repairs as may become necessary upon the improvement of Wise alley from Cutter street to its eastern terminus, recently completed by [the] said William Fogarty. On the said date, the said trustees shall, upon a certificate from the chief engineer of the board of city affairs or its successors that the said alley is in good condition and all necessary repairs thereon have been made, pay the unexpended balance of said sum to the said William Fogarty, together with any profits or interest which may have accrued from the investment thereon.

SECTION 3. The said sums, when so paid, shall be in full liquidation and payment to the said William Fogarty of all liability on the part of the said city of Cincinnati or any of the officials thereof for the said improvement by him of Wise alley from Cutter street to its eastern terminus and under the contract made between the said William Fogarty and the said city of Cincinnati by its board of city affairs on the 18th day of September, A. D. 1899.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 282L

[House Bill No. 817.]

AN ACT

To regulate county nominating conventions and to provide a uniform method of conducting the same in the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That when any voluntary political association or party in Gallia county, in the state of Ohio, by a majority vote of the central

or controlling committee of such association or party, in said county, decides to hold a delegate convention for the purpose of nominating candidates for county offices, such convention shall be held and conducted under the provisions of this chapter; and at the primary elections held under the provisions of this act, for the purpose of electing delegates to a county convention to nominate candidates to be voted for at the general election held in November, one person shall be elected in each township, ward, or voting precinct, to serve as central committeeman for the term of one year and until his successor is chosen; and the several central committeemen so elected shall constitute the controlling committee of the county. Should a vacancy occur in the office of central committeeman in any township, ward or voting precinct, by death, removal from such township, ward or voting precinct, failure to elect or refusal to serve, such vacancy shall be filled in such manner as the central committee of the county, ward or voting precinct is located, may determine by a majority vote thereof.

SECTION 2. Notice of the time and place of holding such convention, and the times and places of holding the primary elections for the purpose of choosing delegates thereto, shall be given by publication in one or more newspapers of general circulation in the county, for at least ten days prior to the holding of such primary election. Said notice shall contain the names of each and every office for which nominations are to be made, and if delegates to any district, circuit or state convention are to be chosen by the proposed convention, that fact shall be stated in said notice. The hours for opening and closing the polls for the various primaries, and the hour for convening the convention shall be determined by such central committee and stated in the notice herein provided for, and no votes shall be received at such primaries previous to the hour stated in such notice for opening the polls thereat, nor subsequent to the hour so stated for closing such polls; provided, that if from any cause it should be impossible to open the polls of any primary at the time designated in the call for such primary, the polls shall be opened as soon thereafter as practicable, and shall be kept open the full time specified in said call. The counting of the votes cast at any primary election held under this act shall be conducted as provided for the counting of votes in the general election law of the state of Ohio, and no votes shall be counted until the polls shall have been closed; and the candidates for delegates, to the number to which the township, ward or voting precinct in which such primary election is held, is entitled under the call for such primary election, receiving the highest number of votes, and the candidate for central committeeman receiving the highest number of votes, shall be declared elected; and the judges and clerks of such primary shall deliver to one of the delegates so elected, a certificate of their election signed by such officers, which certificate shall entitle such delegates elect to seats in the temporary organization of the convention to which they are chosen.

SECTION 3. The resident members of the county central committee shall act as supervisors of the primaries in their respective townships, wards or voting precincts, and the judges and clerk representing the political party for which said primaries are held, shall, under the oaths of their office, constitute the judges and one clerk of said primaries; and an additional clerk shall be chosen by a viva voce vote of the electors present at the time of opening the polls, who shall subscribe to an oath

or affirmation to faithfully and impartially discharge his duties as such clerk, and, in case of a tie vote between the judges at any primary upon any question pertaining thereto, the supervisor shall cast the deciding vote.

SECTION 4. All persons who are, at the time of holding any primaries under this act, or will be legal voters at the election in which the nominees of the convention herein provided for, are to be voted for, and who, to the satisfaction of the judges of the primary in which they are legally entitled to vote, are members of the political party for which such primaries are held, shall be entitled to vote thereat.

SECTION 5. All primaries under this act shall be held at the usual voting places in the various voting precincts, and the voting thereat shall be by ballot, each voter being entitled to cast, on one ballot, as many names as there are delegates to be elected in his voting precinct, and one name for central committeeman. Such voting places shall be provided with railing, booths, and ballot boxes, similar to those used under the general election laws of Ohio, and no person except the regular officers of any voting precinct shall be permitted to enter the polling place during the time for receiving ballots except for the purpose of voting. Not more than a number equal to the number of booths in any polling place in addition to the election officers shall be permitted inside the railing at the same time, and no one, except the election officers shall remain inside said railing to exceed three minutes. Upon entering the polling place for the purpose of voting, each voter shall repair immediately to one of the booths not occupied, prepare and carefully fold his ballot so that no one can see a single name or any part thereof, contained in such ballot and pass directly to the judge in charge of the ballot box, who shall receive the folded ballot and deposit it so folded in the ballot-box, when the clerks shall enter the name of the elector so voting in the poll-books to be kept for that purpose. The term "polling place" as herein used, applies to the space enclosed by the railing in which the booths, ballot-boxes, etc., are located.

SECTION 6. All ballots used under the provisions of this chapter shall be written on plain, white paper, or printed with black ink, with a space of not less than one-fifth of an inch between each name, on plain, white, news printing paper, not more than two and one-half nor less than two and three-eights inches wide, without any mark or device by which one ticket may be known or distinguished from another, and it shall be unlawful for any person to print for distribution at the polls, or distribute to any elector, or vote any ballot printed or written contrary to the provisions hereof; but this section shall not be considered to prohibit the erasure, correction, or insertion of any name, by pencil mark, or with ink upon the face of the written or printed ballot.

SECTION 7. If two or more persons congregate together in or about any voting place, during the receiving of ballots thereat, so as to hinder or delay any elector in casting his ballot, the judges of the primary, upon complaint made thereof, and being satisfied that substantial ground of complaint exists, shall order all such persons to disperse; and upon refusal so to disperse, such persons shall each be fined not more than one hundred nor less than ten dollars, or imprisoned in the county jail not exceeding six months, or both.

SECTION 8. When two or more ballots are found folded or rolled

together, it shall be conclusive evidence of their being fraudulent and neither shall be counted.

SECTION 9. No person who is a candidate before any primary or the convention for which such primary is held, shall be permitted to serve as supervisor, clerk or judge at such primary, and in case of absence, refusal to serve, or disqualification of any supervisor, clerk or judge of any primary, such vacancy shall be filled by election by a viva voce vote of the qualified electors present at the time of opening the polls.

SECTION 10. All county conventions held under the provisions of this act, shall be conducted in the following manner, and the nominees of any delegate county convention conducted in any other manner than that herein provided shall not be entitled to places on the official ballot of the county; provided, that nothing herein shall be considered to prohibit the nomination of candidates by primary election, mass convention or by petition.

SECTION 11. The central or controlling committee of any party having called a convention under the provisions of this chapter, shall choose suitable persons to act as temporary chairman and secretary, who shall serve during the organization of such convention, and until a permanent organization is effected. The permanent officers of a convention held under the provisions hereof shall consist of a chairman, vice chairman, secretary and two assistant secretaries. The secretaries and assistant secretaries shall, as far as practicable, represent the different contending elements before the convention.

SECTION 12. The following committees may be chosen from among the delegates composing the convention, in such manner, and consist of such numbers as may be determined by a majority of such delegates, viz.: on permanent organization, on credentials, on rules and order of business, together with such additional committees as may be deemed necessary; which committees shall report to the convention in the following order: 1st, permanent organization; 2nd, credentials; 3rd, rules and order of business; 4th, miscellaneous committees.

SECTION 13. Immediately upon the adoption of the report of the committee on permanent organization, or the selection of permanent officers by the convention, the permanent officers selected shall take charge of the convention, and conduct the same during the session or sessions thereof.

SECTION 14. The names of candidates before the convention for the various offices may be announced in such order as may be determined by such convention, and no candidate shall be declared nominated until he shall have received a majority of the votes of all the delegates elected to such convention.

SECTION 15. The balloting for candidates in any convention held under the provisions of this chapter shall be as follows: Each and every delegation shall organize by choosing from their number a chairman and secretary. After all the names of candidates for any particular office before the convention shall have been announced, the members of each township, ward or precinct delegation represented in such convention shall determine the number of votes to be cast by such delegation for any one or more of the candidates named; and in determining the number of votes so to be cast, a secret ballot shall be had if demanded by one or more of such delegates and be counted by the chairman and secretary of such delegation in the presence of such members

thereof as desire to witness such count; and the result thereof shall be made known to the delegation before depositing the same with the secretary of the convention.

SECTION 16. After determining the vote of a delegation as provided for in the preceding section, the chairman shall write the result on a ballot prepared for that purpose, with the name or number of the township, ward or precinct represented by such delegation, and deposit the same, either folded or enclosed in an envelope, with the secretary of the convention.

SECTION 17. When all the different delegates shall have deposited their votes with the secretary of the convention, he shall proceed to open or unfold them, one at a time, and announce aloud the vote of each and every delegation, which vote shall be correctly recorded by the assistant secretaries. Upon the reading of the vote of any delegation, the name or number of the township, ward or precinct represented by such delegation shall be first stated, and if the result is not satisfactory to any member thereof, such dissatisfied member may challenge the same and demand a poll of such delegation, when the secretary of the convention shall call the roll thereof, and record the vote as responded by the members of the delegation. But unless objection is made at the time of announcing the vote of any delegation by the secretary, and before the same shall have been passed or recorded, no change can be made in the vote during that ballot, and until a subsequent ballot is ordered.

SECTION 18. If, upon any ballot more votes shall have been cast by any delegation than such delegation is entitled to cast under the call for the convention, it shall be considered as illegal and the entire vote of that delegation shall be excluded from the count on the ballot at which such illegal vote is cast.

SECTION 19. Any county convention held under the provisions of this chapter may select delegates to represent the county in which such convention is held, in the senatorial, congressional, judicial or state convention, in such manner as a majority of such convention may determine.

SECTION 20. All acts or parts of acts, laws or parts of laws inconsistent with the provisions of this act, are, to the extent of such inconsistency hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 283L

[House Bill No. 718.]

AN ACT

To abolish the office of trustees of water-works in any incorporated village in the state of Ohio, which, at the federal census of A. D. 1890, had, or which at any subsequent federal census may have, a population of not less than 716 and more than 720, and providing that the duties of said trustees shall devolve upon the council of said village.

[MILFORD CENTER.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the office of trustees of water-works in the village

of Milford Center, in the state of Ohio, be abolished and the duties of said trustees shall devolve upon the council of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 284L

[House Bill No. 908.]

AN ACT

To authorize the trustees of Nile township, Scioto county, Ohio, to submit to a vote of the electors of said township the question of discharging from liability and reimbursing the bondsmen of Leonidas Pyles, late township treasurer.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of Nile township, Scioto county, Ohio, be authorized at a general or special election to be held at the usual place of holding elections in said township, to submit to the qualified electors of said township the question of discharging from liability and reimbursing the sureties upon the official bond of Leonidas Pyles, late treasurer of said township.

SECTION 2. Ten days' notice of said election shall be given by posting notice thereof in three public places in said township. The ballots for said election shall have printed thereon, "Discharge of bondsmen—Yes." "Discharge of bondsmen—No;" and shall have a place at the left of each proposition for the voter to check the proposition he favors. If it is shown by the poll-book of such election that there are more votes cast in favor of such discharge than there are votes cast against it, then the trustees of such township shall have full authority to release and discharge said sureties and to reimburse them for any sums which they have already paid upon their liability on said official bond.

SECTION 3. This act shall be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 285L

[Senate Bill No. 345.]

AN ACT

To authorize any village which had at the last federal census, or which may hereafter have at any federal census, a population of not less than eleven hundred and twenty and not greater than eleven hundred and thirty, to issue and sell its bonds in any sum not exceeding six thousand dollars, for the purpose of improving the highways of said village.

[MINSTER.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any village in said state which had at the last federal census, or which may hereafter have at any federal census, a pop-

ulation of not less than eleven hundred and twenty (1120), and not exceeding eleven hundred and thirty (1130), be and it is hereby authorized and empowered to issue and sell the bonds of said village in any sum not exceeding six thousand dollars ($6,000) for the purpose of improving the highways of said village.

SECTION 2. Said bonds, when issued and sold, shall not bear interest at a rate exceeding six per cent. (6%) per annum, interest to be payable semi-annually, which interest may be evidenced by coupons attached to said bonds. Said bonds to be in such denomination as the council of said village may prescribe, and each and all of said bonds shall be made payable at such times and places as said council may by ordinance prescribe, and shall not be sold for less than par.

SECTION 3. Said bonds shall be signed by the mayor and attested by the clerk of said village, and express upon their face the purpose for and the act under which issued. When said bonds are sold, the proceeds thereof shall be paid to the treasurer of said village, who shall hold and disburse the same as other village funds. Said bonds shall be sold from time to time and in such amounts as the council of said village may deem proper.

SECTION 4. If any bonds of said village are issued as herein provided, it shall be the duty of the council of said village thereafter to assess and levy a tax, and if necessary, in addition to that now authorized by law, on all the taxable property of and in any such village, sufficient to provide for the payment of the principal and interest of said bonds when due and payable, and said tax shall be collected as other taxes of said village.

SECTION 5. Provided, however, before said bonds can be issued or sold the council of any such village shall submit the question of issuing the bonds aforesaid to the qualified electors of said village at a regular or special election called and held for that purpose, of which election at least fifteen (15) days' notice shall be given by publication in at least one (1) newspaper published and of general circulation in said village, which notice shall contain the time and place of holding such election, and if a majority of the electors voting upon said question shall vote in favor of the same, then and not otherwise shall the council of said village be authorized to issue and sell the bonds as herein provided. Those voting in favor of the proposition to issue bonds as aforesaid shall have written or printed upon their ballots the words, "For the issue of bonds," and those voting against said proposition the words, "Against the issue of bonds."

SECTION 6. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 286L

[House Bill No. 606.]

AN ACT

To authorize the council of cities of the second class, third grade *a* to issue bonds for natural watercourse improvement.

[SPRINGFIELD.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the city council of any city of the second class, third grade *a*, upon the recommendation of the board of park commissioners of such city, be and it is hereby authorized and empowered to issue from time to time, bonds of such city, for the purpose of paying the cost and expenses of straightening, cleaning, deepening and otherwise improving any natural watercourse and for acquiring any real estate, water rights, easements or privileges in connection with any watercourse through said city, not exceeding in the aggregate twenty thousand dollars.

SECTION 2. Such bonds shall be issued, from time to time, in such denominations and amounts, run for such length of time, not exceeding thirty years, and bear such rate of interest, not exceeding five per centum per annum, payable semi-annually, as such council may by ordinance determine. They shall be signed by the mayor and city clerk of such city, sealed with the seal of the corporation, and shall be advertised and sold in such manner as is or may be provided by law for the sale of municipal bonds, and the proceeds of the sale thereof shall be applied exclusively to the purposes for which said bonds are issued, and said bonds shall be designated, "natural watercourse improvement bonds."

SECTION 3. The council of such city is hereby authorized, empowered and directed to levy and collect from time to time upon all the taxable property of such city a tax sufficient in amount to pay the principal and interest of any bonds which may be issued under authority of this act. Said tax to be levied and collected in the manner of levying and collecting other taxes in the corporation.

SECTION 4. The board of park commissioners in cities of the second class, third grade *a*, as created by the act of the general assembly of the state of Ohio, passed March 17th, 1898, in addition to the powers otherwise conferred upon them by law, shall have the entire management and control of the expenditures of all moneys derived from levies made for the purpose of paying the cost and expenses of straightening, cleaning, deepening and otherwise improving any natural watercourse within such city, or for the purpose of acquiring, purchasing or condemning any water rights, easements or privileges in connection with any natural watercourse through said city, and of the proceeds of all bonds issued or sold for the purpose of paying the cost and expenses of straightening, cleaning, deepening or otherwise improving any natural watercourse through such city. All such moneys shall be placed in a special fund called "natural watercourse improvement fund" and shall be disbursed by the treasurer of any such city upon the warrant of the city clerk drawn in accordance with the order of such board of park commissioners.

SECTION 5. Such board of park commissioners shall have entire management and control of all work of straightening, cleaning, deepening, or otherwise improving any natural watercourse, whether partly or wholly used for sewer purposes or not, within such city, and shall be

empowered to purchase, acquire or condemn any water rights, easements or privileges in connection with any natural watercourse through such city, and to acquire or condemn such real estate as may be necessary for such purposes.

SECTION 6. It shall be the duty of such board of park commissioners, before entering into any contract for the performance of any work, the cost of which exceeds one thousand dollars, to cause plans and specifications and forms of bids to be prepared and when adopted by such board, it shall have the same printed for distribution among bidders.

SECTION 7. The board shall not enter into any contract for work or supplies where the estimated cost thereof exceeds one thousand dollars, without first causing thirty days' notice in one newspaper of general circulation in the corporation that sealed proposals may be received for doing the work or furnishing such materials and supplies.

SECTION 8. Each bid shall be accompanied by a bond, signed by sufficient security, for the acceptance of the contract, if awarded by the board.

SECTION 9. All bids for work and supplies shall be enclosed in a sealed envelope and same deposited with the clerk of the board, and such sealed envelope shall have endorsed thereon the nature of the same, and all bids shall be opened at a regular meeting of the board.

SECTION 10. The board shall enter into contract with the lowest responsible bidder, upon his giving bond to the corporation with such sureties as the board shall approve, that he will perform the work or furnish the material and supplies in accordance with his contract and such board shall be the final judges as to who are responsible bidders and on the failure of such bidder, within a reasonable time, to be fixed by the board, to enter into bond with surety as before provided, the contract may be made with the next highest responsible bidder, and so on until the contract is effected by the contractor giving bond as aforesaid; provided that the board may reject any and all bids, and that no member of the said board shall be in any manner, either directly or indirectly, interested in any contract.

SECTION 11. Such board of park commissioners shall annually, on the first Monday of April of each year, make a written report to the council of such city, of their proceedings, with a detailed statement of their receipts and expenditures, during the year. And they shall also at the same time submit to the council a detailed estimate of the amount of the money necessary to dredge, straighten, clean, deepen, and otherwise improve such watercourses and purchase and acquire such water rights, easements and privileges.

SECTION 12. Any and all other acts and all sections and portions thereof of the Revised Statutes of Ohio, in so far as same conflicts or are inconsistent with any of the provisions of this act, are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900.

287L

[Senate Bill No. 226.]

AN ACT

To divide Rose township, Carroll county, Ohio, into two election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the township of Rose, in Carroll county, Ohio, be divided into two election precincts, as follows: Beginning on the west line of said township at the southwest corner of the northwest quarter of section thirty-four (34), in said township, thence by a line due east to intersect the east line of said township at the southeast corner of section four (4) of said township.

SECTION 2. All that part of said township north of said line shall be known as Magnolia precinct, and the voting place of all electors of said township residing north of said line shall be at Magnolia, in said township. All that part of said township lying south of said line shall be known as Lindentree precinct, and the voting place of all electors of said township residing south of said line shall be at Lindentree, in said township.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 288L

[Senate Bill No. 184.]

AN ACT

For the relief of Mrs. Mary Bland and her minor children, Margaret Bland, William Bland and Thomas Bland.

WHEREAS, On or about the 11th day of September, 1899, Thomas Bland, then a member of the fire department of the city of Cincinnati, Hamilton county, Ohio, was injured and died while in the actual performance of his duty as such member, in attempting to save the life of a child in said city; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of trustees of the Firemen's relief fund of the city of Cincinnati, Hamilton county, Ohio, be and they are hereby authorized and required to pay to Mary Bland, widow of said Thomas Bland, deceased, and to Margaret Bland, a minor twelve years of age, William Bland, a minor ten years of age, and Thomas Bland, a minor six years of age, all the children of said Thomas Bland, deceased, such sums and amounts of money as the widow and minor children of deceased firemen are entitled to receive under the provisions of the act of the general assembly, passed March 27, 1889 (86 O. L., 149).

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 289L

[Senate Bill No. 285.]

AN ACT

To authorize the board of education of Harrison township, Muskingum county, Ohio, to levy an additional tax for the purpose of maintaining the schools of said township.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Harrison township, Muskingum county, Ohio, be and the same are hereby authorized and empowered to levy an additional tax for the years 1900, 1901 and 1902 on all taxable property within said township not to exceed one mill on the dollar for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of supporting and maintaining the schools in said township, and also for the payment of any present indebtedness as the said board in their discretion may direct.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 290L

[Senate Bill No. 69.]

AN ACT

To provide for the salary of the official stenographer for certain counties therein described.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all counties having a population of not less than sixteen thousand five hundred and seventy-five, and not more than fifteen thousand five hundred and seventy-five, by the federal census of 1890, or which at any subsequent federal census may have such population, the official stenographer heretofore appointed by the court of common pleas or who may hereafter be appointed for said county, shall hold office for a term of two years from and after the date of such appointment, and until a successor be appointed and qualified, unless removed by the court for neglect of duty, misconduct or incompetency. Such official stenographer shall receive a salary of four hundred dollars per annum, payable in equal monthly installments out of the county treasury, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts; and it shall be the duty of the auditor of such counties to issue warrants on the treasurer for the payment of said salary out of the general or court fund on the first day of each month after the filing with him of a certified copy of the journal entry of the appointment of such official stenographer.

SECTION 2. It shall be the duty of said official stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such oral proceedings as the court

or parties may direct in all cases or proceedings actually tried by the circuit, common pleas and probate courts, either to the court or to the jury, the shorthand notes so taken to be the property of the county, and carefully preserved in the office of such stenographer, and arranged under [some] convenient system, so that the notes in any cause or proceeding may be readily found. It shall be the duty of such stenographer to make, at the request of any party, or his attorney, or the court, in single, duplicate or triplicate copy, as may be directed, an accurate transcript into longhand of any part or the whole of the notes so taken in any case or proceeding. to be paid for forthwith by the party or parties ordering the same; but no transcript of the notes into longhand shall be paid out of the county treasury in any case, unless such transcript shall be ordered by the judge trying the case for his own use, and in criminal cases by the prosecuting attorney, or the court. In such cases, the clerk of the court shall certify the amount of such transcripts, which certificate shall be a sufficient voucher to the auditor of the county, who shall draw his warrant upon the county treasurer, and when so paid such fees shall be taxed and counted as other costs in the case. Such stenographer shall also, without extra compensation, take from the dictation of the court such shorthand notes as may be required in preparing opinions and charges to juries, and shall when requested by the court, furnish transcripts of the same.

SECTION 3. Such stenographer shall receive for making such transcripts of said notes into longhand, in single or duplicate copies, except the opinions and charges of the court (unless made a part of the record), three cents per folio of one hundred words, and when more than such duplicate transcripts shall be ordered at the same time, the fee for making the additional transcript shall be one-third of the fee allowed for the first duplicate; and if transcripts be ordered by more than one party, the fees shall be equally divided among the parties so ordering said transcripts. And in every case or proceeding reported in said courts, or either of them, there shall be taxed for each day's service of said stenographer a fee of two dollars, and in every felony case, in which there is a conviction, reported in said courts, or either of them, there shall be taxed for each day's service of said stenographer a fee of five dollars, to be collected as other costs in the case, and when so collected, to be paid quarterly into the treasury of the county by the clerk of courts.

SECTION 4. Said stenographer shall have an office in the courthouse of the county, and shall be furnished by the county with the necessary furniture, stationery and supplies, and shall have the power to take and certify depositions in any of the courts of this state, and in taking such depositions and proofs, shall have power to swear witnesses, and for services under this section shall be entitled to receive eight cents per folio of one hundred words.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 291L

[Senate Bill No. 237.]

AN ACT

To establish a special school district, to be composed of a part of Jackson township, Clermont county, Ohio, and Perry and Stirling townships, Brown county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That a special school district to be composed of a part of Jackson township, Clermont county, Ohio, and a part of Perry and Stirling townships, Brown county, Ohio, to be known as Marathon special school district, be and the same is hereby established in and of the following described territory, to wit: Beginning with the land of Harvey Anderson, south of the east fork, southeast corner of said land in Perry township, Brown county, Ohio, thence a westerly direction including lands owned by John McNutt, E. C. and C. L. Ireton, John Glancy, Robert Christy, B. F. Hutchinson and J. M. Hutchinson; thence a northwesterly course including lands owned by J. G. Hutchinson, F. M. White, Mrs. Dennis Clemmons, J. E. Christy, J. V. Christy, Mrs. Georgia Applegate and Mrs. D. C. Sharp; thence in a northerly direction with said Sharp's land to lands owned by Harvey Anderson; thence in a straight line to the northwest corner of lands owned by John James; thence east to the corner of lands owned by Isaac Abernathy and Harvey Anderson; thence in an easterly course with the line of the said Anderson and John James and Burns brothers' lands; thence with said line in an easterly direction to the east fork; thence with the meanderings of the east fork to the corner of lands owned by the said Harvey Anderson and Robert McCafferty; thence in a southeasterly course with the line of said lands to the place of beginning.

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds and the funds levied for incidental expenses in accordance with the enumeration of the year 1899, of school children entitled to attend school; said funds being [those] now collected within said townships or in county treasuries, but this provision shall be subject to the limitations contained in section 5 of this act. Said special school district shall be governed by such laws as are now, or may hereafter be in force relating to special school districts.

SECTION 3. Within twenty days after the passage of this act, written or printed notices shall be posted in at least three of the most public places within said territory, signed by at least three resident electors of the same, requesting the qualified electors thereof, to assemble on a day at least five days from the day of posting, at an hour and place designated in said notices, and then and therein, in the manner provided by law for the election of members of boards of education for special school districts, shall proceed to elect three members to constitute a board of education; one to serve until the third Monday of April next succeeding his election, and one to serve for one year, and one for two years from said third Monday of April, and until the election and qualification of their successors, and on the second Monday of April each year following the first election of the board of education, there shall be elected one member to serve for three years and until his succcssor is elected and qualified.

SECTION 4. The members of the board of education so elected and qualified are hereby empowered and directed to make such pro-

visions as may be necessary for the establishment and conduct of a public school within the territory of said special school district.

SECTION 5. This act shall take effect and be in force from and after its passage; but it is not to affect any of the existing contracts of the board of education of said townships, pertaining to the schools now existing therein, but said existing contracts shall be executed according to the terms thereof, and in accordance with the laws now in force.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 292L

[Senate Bill No. 284.]

AN ACT

To authorize the commissioners of Belmont county, Ohio, to locate, grade and macadamize a certain road and provide for the payment of the cost thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of Belmont county, Ohio, be and they are hereby authorized to locate, grade and macadamize a road to be known as "the Flushing and Morristown macadamized and dirt road," after the said commissioners have been presented with a petition for said road, signed by a majority of the land and lot owners within the limits of the road district as hereinafter provided for. Beginning for said road at a point where the Flushing and Cadiz road intersects the Belmont and Harrison county line and following said road south to the Uniontown and Flushing pike, thence westward along said pike to Morristown street in Flushing, Ohio, and running thence southward, following and using, wherever practicible, the present public road, known as the Morristown road, to a point on the national road, a short distance east of Morristown, Ohio.

SECTION 2. The commissioners of said county, within thirty days after said petition has been filed in their office, may appoint viewers, who, together with the county surveyor, shall proceed to locate said road, and in the location and establishment of said road, the viewers so appointed and the said commissioners shall have the powers and be governed by the laws now in force in relation to the location and establishment of county roads; provided that all compensation and damages allowed to land-owners shall be paid by the county.

SECTION 3. As soon as practicable after the location of said road, the commissioners of said county may, if deemed a public benefit, proceed to grade and macadamize the same with stone, the grading of which shall not exceed thirty feet in width and the macadamizing shall not exceed nine feet in width with a dirt road bed abutting thereon not exceeding eleven feet in width.

SECTION 4. For the purpose of carrying into effect the provisions of section 3 of this bill, the said commissioners are hereby authorized to appoint a superintendent or engineer, with such assistant superin-

tendent as they may deem necessary for the proper superintendence and inspection of the necessary work and material for said road, and the said commissioners shall require said officers to give bond for the faithful discharge of their duties, and in addition to their duties as set forth in their contract of employment, the said commissioners may, from time to time, require such further duties of them as they may deem necessary to insure the proper construction of said road.

SECTION 5. The contract for the construction of said road shall be let either as a whole or in sections, as the said commissioners may determine, and they may let the grading and macadamizing separately, but the work shall be let to the lowest responsible bidder at a public letting, the notice of which shall give full information as to the manner in which bids are to be received. All contractors shall be required to give bonds for the faithful performance of their respective contracts in such amount as the said commissioners shall prescribe.

SECTION 6. The said commissioners shall cause to be constructed all necessary bridges and culverts for said road and pay the cost thereof out of the county bridge fund of said county of Belmont.

SECTION 7. To pay for the cost of grading and macadamizing said road, said commissioners are hereby authorized to issue and sell bonds of the said county of Belmont to be known as "the Flushing and Morristown macadamized and dirt road bonds," in such denominations as they may deem best, not to exceed four thousand dollars per mile of said road, excluding the distance traversed by the Uniontown and Flushing pike, bearing interest not to exceed five per cent. per annum, payable semi-annually, the principal to be payable in not less than ten years nor more than twenty years from the date of their issue, at the office of the treasurer of said county; said bonds not to be sold for less than their face value.

SECTION 8. The county surveyor or a competent surveyor appointed by said commissioners if they deem best, shall, as soon as practicable after the location and establishment of said road, make a plat to be filed in the auditor's office of said county, of all the lands and lots within one mile of said road on either side and at the south end thereof, and all the territory within the limits thus prescribed shall constitute a special district to be known as "the Flushing and Morristown macadamized and dirt road district." And said commissioners are hereby authorized to levy and assess upon all the property, real and personal, within the limits of said special district, sufficient to pay the interest on the bonds provided for in section 7 hereof, not to exceed two mills on the dollar's valuation in any one year. And on and after the tenth year from the date of said bonds they shall levy an additional assessment upon said district, sufficient to provide a fund to pay the principal of said bonds, not to exceed four mills on the dollar valuation in any one year, provided, that none of the property in said special district shall be exempt from taxation by reason of the same having been heretofore taxed or assessed for the construction or improvement of any road, pike, street or alley under any pike law, paving ordinance or other law or authority whatsoever.

SECTION 9. When said road is completed the commissioners shall locate and establish one or more toll-gates, appoint one or more collectors, fix a tariff of tolls and cause the same to be collected. After deducting the expenses of collecting the same all tolls shall be paid into the treasury

of said county to the credit of said road district, and shall be used for the purpose of making necessary repairs on said road, and the surplus, if any, shall be applied to the payment of interest on said bonds.

SECTION 10. Nothing in this bill shall interfere with the management and control of that part of the Uniontown and Flushing pike which will be traversed by the road contemplated herein and tolls shall not be exacted or collected for the benefit of the proposed road for travel upon said part.

SECTION 11. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 293L

[Senate Bill No. 358.]

AN ACT

To authorize certain counties to issue bonds to repair and improve certain public ways.

[HAMILTON COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of any county containing a city of the first grade of the first class, be and they are hereby authorized to issue bonds of said county to the amount of ten thousand ($10,000) dollars, in denominations of five hundred ($500) dollars each, to provide a special fund to enable said commissioners to pay the cost and expense of the improvement and repair of any levee or bridge approach which may be used as a highway in any such county. Said bonds to bear interest not exceeding four per cent. per annum, interest payable semi-annually, and redeemable at the pleasure of said commissioners any time after ten years, and said commissioners shall annually levy a tax upon the taxable property of the county to pay the interest thereon, and when advisable within said period to levy an additional tax upon said property to pay the principal when due, and create a sinking fund therefor.

SECTION 2. Said bonds shall be signed by the commissioners of said county, and countersigned by the county auditor, who shall keep a record of the bonds issued, to whom issued and when made payable; said bonds shall be made negotiable, and shall not be disposed of for less than their par value.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 294L

[House Bill No. 642.]

AN ACT

To provide a license on trades, business and professions carried on, and for use of streets, in cities of the first grade of the second class; and providing for the enforcement and collection of fines and penalties for carrying on such trades, business and professions, and such uses of the streets, without license, and for other purposes.

[COLUMBUS.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In cities of the first grade of the second class, no person, firm or corporation shall be engaged in any trade, business or profession hereinafter mentioned, until he, or it shall have obtained a license therefor, as hereinafter provided. The director of accounts of such cities shall keep a register in his office of all [the] licenses issued under the authority of this act.

SECTION 2. No license granted or issued under any of the provisions of this act shall be in any manner assignable or transferable, or shall authorize any person, firm or corporation other than the one therein mentioned, to do business, or shall authorize any other business than is therein mentioned or named to be done or transacted, or the business therein named and mentioned to be done or transacted at any place other than the place mentioned or named; provided, however, that if any person, firm or corporation shall sell, transfer or assign the business for which said license was issued (the business to be continued at the same place) said director of accounts may upon affidavit to that effect by the person, firm or corporation acquiring said business, endorse upon said license the date of such transfer, and name of the person, firm or corporation to whom transferred, at the same time making proper record of such transfer upon his register; and, provided further, that if any person, firm or corporation shall have paid such license fee for the period of one year and shall by reason of damage by fire or water, or through dissolution of firm, cease doing business for which said license was issued, said director of accounts may, upon application supported by satisfactory affidavit, refund a pro rata proportion of said license fee (counting only the full calendar months of the unexpired time, in calculating such refund) upon the surrender and cancellation of such license. A license for any trade, business or profession, conducted at any particular or fixed locality, shall authorize the transaction of such business, trade or profession, by such individual, firm or corporation. Every such license shall specify, by name, the person, firm or corporation to whom or which it shall be issued, and shall designate the particular place at which such business, trade or profession is to be carried on. The director of accounts shall keep in his office, in addition to the register of licenses hereinbefore provided, a full account of [all] moneys received, and the sources from which the same were received, and shall, at the end of each month pay any moneys in his hands, received under the provisions of this act of the treasurer of such cities. All moneys received under the provisions of sections twenty-three and twenty-nine of this act, shall be credited to, and become a part of the street repair fund of such cities, to be applied to the maintenance and repair of the streets of such cities and to no other purpose. And all the other moneys received under the provisions of this act shall be applied: First, to the reduction of any

deficiencies in the operating or maintaining funds of such cities pro rata, according to the amount of deficiency in each of said funds on December 31st, of the preceding year, or if no such deficiencies exist in said funds, second, such moneys shall be paid to the trustees of the sinking fund to be used by them for the redemption and cancellation of any bonds of such cities, which have been issued to provide for the deficiencies in the operating or maintaining funds of said cities, or if no such bonds exist, then, third, such moneys shall be placed to the credit of the general expense fund of such cities.

SECTION 3. All licenses heretofore issued by the mayor, or other duly authorized officer, and not yet expired, shall be valid for the period for which they were granted.

SECTION 4. All licenses, except for places of amusement, entertainment, performances or exhibitions, or as otherwise hereinafter excepted, shall date from the first day of January of each year, and shall be issued for one year from the aforesaid date. All licenses for theatres, concert halls, places of amusement, entertainment, performances or exhibitions, may be issued for a period of one year or for a shorter term, unless hereinafter otherwise provided. Provided, however, that licenses shall be issued under this act for the unexpired part of the year during which this act is passed, upon the payment of a part of the license fee proportionate to the unexpired portion of the year.

SECTION 5. All licenses which shall become due on the first day of January of each year shall be considered delinquent if not paid within fifteen days thereafter; and for every month a license fee shall remain delinquent after the fifteen days allowed from the first day of January as aforesaid, there shall be added to the whole amount of such license fee, a penalty of two per cent., which shall be collected in the same manner as such license fee, but the addition of any penalty to a license fee shall not exempt the person, firm or corporation from whom such license fee may be collectable, from any penalty to which he, or it may be liable for violating the provisions of this act.

SECTION 6. Every person, firm or corporation, having a license under the provisions of this act, shall exhibit the same at all times while in force, in some conspicuous part of his place of business, and shall produce the same when applying for a removal, or when requested to produce it by any municipal officer, or by any member of the police department. Every peddler, while engaged in peddling, shall carry his license, and shall exhibit the same, if requested by any municipal officer, or by any person, firm or corporation to whom or which he seeks to sell his goods.

SECTION 7. If, at any time, it shall be made to appear to the satisfaction of the mayor that any licensed person, firm or corporation, is violating the provisions of this act, then the said mayor, after ten days' notice to such person, firm or corporation, shall revoke the license held by such person, firm or corporation, and such person, firm or corporation shall then immediately cease to have any authority thereunder. At the time of the revoking of any license the mayor shall promptly notify the director of accounts of such revocation, and the director of accounts shall note such revocation upon the register hereinbefore provided to be kept in his office.

SECTION 8. In all cases where the rates of license depend upon the receipts or profits of the business, or upon the amount of business done,

or upon the number of vehicles used, or upon any other matter peculiarly within the knowledge of the applicant for such license, such applicant may be examined in regard to such matters and may be required to subscribe a sworn statement, or affidavit, that he has, to the best of his knowledge and belief, truly answered all questions touching the amount of license for which he applies or is liable. And, if any person, firm or corporation applying for such license shall make false statement in regard to his or its business, with intent thereby to procure a license at less rates than those provided for by this act, he, or it shall be deemed guilty of misdemeanor and, upon conviction thereof, shall be punished as provided for in section 31 of this act, and such license may be adjudged forfeited.

SECTION 9. Astrologers, fortune-tellers, clairvoyants, palmists and seers, shall pay a license fee of ($50) fifty dollars [each] per annum, or for a less period than one year, at the rate of ten ($10) dollars per month; no license to be issued for a less period than one month; provided, that this section shall not be held to apply to spiritualistic seances or any other religious exercises held by any religious sect.

SECTION 10. Auctioneers shall pay a license fee of twenty-five dollars ($25) per annum.

SECTION 11. Keepers of magazines or tanks having a capacity of over one hundred (100) gallons for the storage of kerosene, coal oil, benzine, and like inflammable petroleum products shall pay a license fee of two hundred dollars ($200) per annum.

SECTION 12. Each keeper of an intelligence office, or employment office, shall pay a license fee of fifty dollars ($50) per annum; provided, however, that no such license shall be issued without the consent of the mayor.

SECTION 13. Each keeper of a pawnbroker's or loan office shall pay a license fee of two hundred and fifty dollars ($250) per annum; provided, however, that if such keeper of a pawnbroker's or loan office shall be convicted of violation of this or any other law regulating such pawnbroker's loan office, such license shall be revoked.

SECTION 14. Each proprietor of a billiard or pool table, not kept for private use, shall pay a license fee of fifteen dollars ($15) per annum for one such table, and ten dollars ($10) for each additional table, per annum.

SECTION 15. Each proprietor of a bowling alley, not kept for private use, shall pay a license fee of fifteen dollars ($15) for one alley, and five dollars ($5) for each additional alley, per annum.

SECTION 16. Keepers of public dance houses or ball rooms shall pay a license fee of three hundred dollars ($300) per annum, or ten dollars ($10) per night; provided, however, that no license shall be issued without the consent of the mayor.

SECTION 17. For each circus, menagerie or show under canvass or tent, the person, firm or corporation exhibiting or owning the same shall pay a license fee as follows:

For each circus, menagerie or show to which the charge of adults for admission is fifty cents or over, one hundred dollars ($100) for the first day; for each additional day, fifty dollars ($50).

For each circus, menagerie or show to which the charge to adults for admission is twenty-five cents or over, and less than fifty cents, fifty

dollars ($50) for the first day, and twenty-five dollars ($25) for each additional day.

For each side show, concert, musical or minstrel entertainment, or exhibition of monsters or freaks of nature, or wax works, twenty-five dollars ($25) for the first day, and fifteen dollars ($15) for each additional day; provided, that no license shall be issued under this section without the consent of the mayor.

SECTION 18. Every proprietor or lessee of any theater, concert hall, or any place of amusement or entertainment not hereinbefore provided for, shall pay a license according to their seating capacity, twenty inches being considered as one seat, as follows:

First: Those seating one thousand persons or more shall pay a license, if issued for one year, of one hundred and fifty dollars ($150); if for three months, seventy-five dollars ($75); if for one month, fifty dollars ($50); if for one day, five dollars ($5).

Second: Those seating less than one thousand persons shall pay a license, if issued for one year, of one hundred dollars ($100); if for three months, forty dollars ($40); if for one month, twenty dollars ($20); and if for one day, three dollars ($3.00); provided, that no license shall be issued under this section without the consent of the mayor.

SECTION 19. Street musicians shall pay a license fee of twenty-five dollars ($25) per annum, or one dollar ($1) per week for each instrument used, but no license shall be issued under this section without the consent of the mayor.

SECTION 20. Any person, firm or corporation, engaged in the street car advertising business shall pay a license fee of twenty dollars ($20) for each and every street car in which advertisments are placed by such persons, firm or corporations; and bill posters shall pay a license fee of fifty dollars ($50) per annum.

SECTION 21. Each and every ticket broker or scalper shall pay a license fee of one hundred dollars ($100) per annum, and no license shall be issued under this section for a shorter period than one year, except as provided in section four of this act.

SECTION 22. The license fee upon any dog kept in any such city, to be paid by the owner or keeper of such dog, shall be one dollar ($1) per annum; and the director of accounts, upon the issuing of such license, shall deliver a metal plate having stamped thereon the year for which such license was issued, and the owner or keeper of such dog shall cause such plate to be attached to a collar and worn on such dog.

SECTION 23. The license tax on every bicycle kept in and used upon the streets of such city shall be seventy-five cents ($0.75) per annum, and at the time of issuing such license, the director of accounts shall furnish to the licensee a plate made of metal or other suitable material having stamped thereon the year for which such license is issued and such plate shall be attached to such bicycle. Provided, however, that there shall be no license fee upon any bicycle, where it is made to appear to the satisfaction of the director of accounts, by affidavit or otherwise, that such bicycle is kept for use by a laborer for the purpose of going to and returning from his work, and where such laborer does not receive more than $2.00 per day for his services. And the director of accounts shall furnish free to such laborer a distinctive plate of metal, or other suitable material, having stamped thereon the year for which the same is issued and such plate shall be attached to such bicycle.

SECTION 24. All keepers or owners of gun powder magazines shall pay a license fee of one hundred dollars ($100) per annum, and shall notify the chief of the fire department, in writing, of the place where the same is kept or stored; but no license shall be issued under this section without the consent of the mayor.

SECTION 25. All keepers of shooting galleries shall pay a license fee of fifty dollars ($50) per annum, or for a less period of one year at the rate of ten dollars ($10) per month, no license to be issued for a less period than one month.

SECTION 26. Each applicant for the use of the streets or other space belonging to the city, for the purpose of depositing building material thereon, shall pay license fee for such permit as follows:

For the use of twenty feet front or less, one dollar.

For the use of more than twenty or less than forty feet front, two dollars.

For the use of more than forty and less than seventy-five feet front, four dollars.

For the use of more than seventy-five feet and less than one hundred feet front, five dollars.

For the use of one hundred feet and over, ten dollars.

Provided, that no license shall be issued under this section except with the consent of the director of public improvements; provided also, that the portion of the street used under license used under this section shall only extend for one-third of the width of the street immediately in front of the owner's premises, and shall expire thirty days from the date of the issuance of such license; provided, further, that the director of public improvements may require the applicant for such permit or license to enter into a bond with surety to his satisfaction, conditioned to save the city against any and all claims for damages or injury caused by such obstruction of the street or public places of such city.

SECTION 27. Peddlers or hawkers of produce or goods from vehicles drawn by animal power, or by any other power than by hand power, shall pay a license of fifteen dollars ($15) per annum; and those selling goods from vehicles drawn by hand, or from basket or other container carried, shall pay a license fee of five dollars ($5) per annum; peddlers or hawkers of meat, fish, game, poultry, oysters, fruit, candies, groceries, produce and dairy products, from stands on the streets or sidewalks or other public places or grounds, outside of such spaces, as may be designated as market spaces by the councils of such cities, shall pay a license fee of fifteen dollars ($15) per annum; provided, however, that no license shall be issued for stands on the streets or sidewalks or other public places or grounds outside of such market spaces, without the consent of the director of public improvements.

SECTION 28. Every dealer in second hand articles, and keepers of junk shops, shall pay a license fee of twenty-five dollars ($25) per annum.

SECTION 29. All persons, firms or corporations using any vehicles on the streets of the city shall pay annual license fees upon all such vehicles as follows:

For each sulky, three dollars ($3.00).

For each cab or hack, five dollars ($5.00).

For each buggy or private carriage, three dollars ($3.00).

For each hotel coach or carriage, seven dollars ($7.00).

For each furniture car or van, seven dollars ($7.00).

For each two horse omnibus, seven dollars ($7.00).

For each four horse omnibus, ten dollars ($10.00).

For each six horse omnibus, fifteen dollars ($15.00).

For each cart drawn by one horse, three dollars ($3.00).

For each cart drawn by two horses, ten dollars ($10.00).

For each wagon (with springs) drawn by one horse, three dollars ($3.00).

For each wagon (with springs) drawn by two horses, eight dollars ($8.00).

For each wagon (with springs) drawn by three horses, ten dollars ($10.00).

For each wagon (with springs) drawn by four horses, fourteen dollars ($14.00).

For each wagon (with springs) drawn by six horses, eighteen dollars ($18.00).

For each wagon, dray, truck or drag (without springs) drawn by one horse, three dollars ($3.00).

For each wagon, dray, truck or drag (without springs) drawn by two horses, eight dollars ($8.00).

For each wagon, dray, truck or drag (without springs) drawn by three horses, twelve dollars ($12.00).

For each wagon, dray, truck or drag (without springs) drawn by four horses, fifteen dollars ($15.00).

For each wagon, dray, truck or drag (without springs) drawn by six horses or more, twenty dollars ($20.00).

For each pleasure carriage seating not more than two persons, propelled by other power than horse power, three dollars ($3.00).

For each pleasure carriage seating four persons, propelled by other than horse power, five dollars ($5.00).

For each pleasure carriage seating from six to ten persons, propelled by other than horse power, eight dollars ($8.00).

For each wagon, truck or van propelled by other than horse power, of capacity to haul not more than two tons, five dollars ($5.00).

For each wagon, truck or van propelled by other power than horse power, of capacity to haul two tons or more, ten dollars ($10.00).

Provided, that none of the provisions of this act shall be held to apply to farmers marketing the products of their own farms; nor shall farmers, gardeners or fruit growers be liable for vehicles or any license whatever for marketing and selling the products of their own farms or gardens, or for hauling any produce into or from said city to the country, in cities of the first grade of the second class; and, provided further, that the director of accounts shall have authority (on the surrender and cancellation of any license issued under the provisions of this section to rebate and refund a pro rata amount of the cost of such license for the unexpired term for which said license has been issued; and provided further, that the director of accounts shall have authority to issue license for the fraction of any year, upon receiving satisfactory evidence that the vehicle licensed has not been in use at any time during the current year prior to the time of making application for such license.

Dairymen living without said city shall pay license fees upon their vehicles used upon the streets of said city as follows:

For each one horse wagon, three dollars ($3.00).

For each two horse wagon, five dollars ($5.00).

For each three or four horse wagon, ten dollars ($10.00).

And be it further provided, that all persons or firms using any vehicle upon the streets of any such city for which annual license fees are required by law to be paid, shall exhibit in a conspicuous place upon the left side of each vehicle, or upon the left side of the harness of an animal or team attached to the same, a metal plate sign, furnished by the director of accounts, indicating the year for which such license has been taken, and the number and character of such license. And the director of accounts, in cities of the first grade of the second class, is hereby required to furnish with every license issued for such vehicle used upon the streets of such cities, at the time of issuing the license, one metal plate sign having printed, painted or stamped thereon, the year for which the license has been taken out, together with the character and number of the same.

Provided also, that any person who shall purchase any vehicle upon which the vendor has paid a license, may, upon presenting to the director of accounts, an affidavit of such purchase, use such vehicle during the time for which such license shall have been paid, without payment of additional license.

SECTION 30. If at any time any of the metal plates issued by the director of accounts, as provided in sections 22, 23 and 29 of this act, shall be lost or stolen, the holder of the license, with which such plate was issued, by making application to the director of accounts with an affidavit that such plate has been lost or stolen, and paying to the director of accounts the sum of fifteen cents (15c), shall be entitled to receive a new plate for the remaining portion of the current year.

SECTION 31. Any person who, acting for himself, or as a member or agent of any other person, firm or corporation, shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars ($100) nor less than ten dollars ($10) or to be imprisoned for not more than six months, or both.

SECTION 32. Upon the trial of any criminal action brought under or arising from or out of, any of the provisions of this act, the fact that the party thereto represented himself or herself as engaged in any business or occupation for the transaction of which a license is by this act required, or that any such party exhibited a sign indicating such business or calling, shall be conclusive evidence of the liability of such party to pay a license.

SECTION 33. It shall be the duty of the director of accounts and his assistants to enforce the provisions of this act; and upon application of the director of accounts, the director of public safety is hereby authorized to commission such assistants with police powers to enforce the provisions of this act.

SECTION 34. The conviction or punishment of any person for transacting any business without a license shall not excuse or exempt such

person from the payment of any license due and unpaid at the time of such conviction.

SECTION 35. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 295L

[House Bill No. 830.]

AN ACT

To divide Adams township, Lucas county, Ohio, into two voting precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Adams township, Lucas county, Ohio, shall be divided into two (2) election precincts, by a line beginning on the east line of said township at the southeast corner of section four (4) in said township; thence west on the south line of sections four (4), five (5), six (6), one (1), two (2) and three (3), to the west line of said township.

SECTION 2. All that part of said township north of the above described line shall be one voting precinct, called precinct number one (1), with the voting place at a place on the Dorr street stone road near where the Lake Shore and Michigan Southern railroad crosses said Dorr street stone road in said township; and all of said township south of said line shall be one voting precinct called precinct number two (2), with the voting place at the town hall in said township.

SECTION 3. [That] this act shall take effect on its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 296L

[Senate Bill No. 296.]

AN ACT

To authorize the canal commission to sell at private sale a section of the Walhonding canal between Dutch Run culvert and the Walhonding bridge.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the governor, attorney-general and the canal commissioners of the state of Ohio be, and are hereby authorized to sell at private sale, that part of the Ohio canal abandoned by act of the legislature April 11, 1896, and comprising a section thereof, commencing

at a point known as the "Dutch Run" culvert, and terminating at the east center line of the Walhonding river bridge, on the lands of G. W. Darling in the county of Coshocton, upon such terms and for such consideration, as said commissioners may deem best, and execute to the purchaser a deed of conveyance therefor.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD.
President pro tem. of the Senate.

Passed April 16, 1900. 297L

[Senate Bill No. 196.]

AN ACT

To amend and supplement section 8 of "An act to create a special road district of Pultney township, Belmont county, Ohio, and authorize the commissioners of said county to locate, grade and improve certain roads and provide for the payment thereof, by a local tax;" passed March 25, 1890, as amended by an act supplementary thereto passed April 23, 1891, and amended by an act passed May 2, 1894.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8 of an act entitled "An act to create a special road district of Pultney township, Belmont county, Ohio, and authorize the commissioners of said county to locate, grade and improve certain roads, and to provide for the payment thereof by a local tax," passed March 25, 1890, supplemented by an act passed April 23, 1891, and amended by an act passed May 2, 1894, be amended and supplemented as follows:

Sec. 8. When two miles or more of any said lines of road is completed the commissioners shall establish a toll-gate, appoint a toll collector, fix a tariff of tolls and cause the tolls to be collected, and as the work of constructing such roads progresses they may establish other gates upon the same, and provide for the collection of tolls thereat. When such roads are completed the tolls shall thereafter be paid into the township treasury to the credit of said road district, and shall be used by the township trustees for the purpose of making necessary repairs of said roads, and the provisions of the improved road sections 4889, 4890, 4891, 4892 and 4894 of the Revised Statutes of Ohio shall apply to said roads in addition to the provisions of said act of which this is amendatory and supplementary.

Sec. 8*a*. Whenever increasing population and traffic along either of said lines of road shall require a better road-bed, and the income from tolls on such line of road above the cost of collection, shall be sufficient to create a sinking fund large enough to pay the interest at not exceeding five per cent. per annum, upon a sum equal to the cost of constructing a roadway fourteen feet wide, paved with brick on the line of such road, and with a probable increase of tolls pay the cost of the construction of such road, within a period of twenty years. The trustees of such township may, and on petition signed by a majority of the resi-

dents of that part of Pultney township through which said road runs, shall order the construction of such paved road.

Sec. 8*b*. When said trustees shall determine to make such a change in the road-bed of such line of road, they shall proceed to advertise for bids, make contracts, provide for the construction of roads as provided in the act of which this is an amendment for the construction of the original lines of the road, and shall issue the bonds of the township bearing not more than five per cent. interest, and sell them as provided by the general laws in like cases, and from the date of their issue all the tolls collected upon the line of such road, above cost of collection, shall be paid into the township treasury to the credit of such road, and used as far as necessary as a sinking fund to pay the interest and principal of said bonds.

SECTION 2. That the said section 8 of said act be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 298L

[Senate Bill No. 217.]

AN ACT

To authorize the board of education of Jennings township, Putnam county, Ohio, to levy additional tax for the purpose of maintaining the schools of said township, and paying [present] indebtedness.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Jennings township school district, Putnam county, Ohio, be and the same is hereby authorized and empowered to levy an additional tax for the years 1900, 1901, 1902, 1903, 1904 and 1905 on all the taxable property within said school district not to exceed five mills on the dollar for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of supporting and maintaining the schools in said district, and also for the payment of the present indebtedness as the said board may direct.

SECTION 2. That this act shall take effect and be in force from and after its pasage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 299L

[Senate Bill No. 339.]

AN ACT

To authorize the trustees of Springfield township, Hamilton county, Ohio, to transfer funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of trustees of Springfield township, Hamilton county, Ohio, are hereby authorized to transfer a fund raised by levy provided for in "An act to supplement section 889, Revised Statutes of Ohio," passed April 23, 1891, found in 88th volume laws of Ohio, page 335, which fund has not been required for the purpose for which it was levied, to the credit of the road fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 300L

[Senate Bill No. 223.]

AN ACT

To authorize the board of education of Williamsburg village school district, Clermont county, Ohio, to issue bonds and make an additional levy.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Williamsburg village school district of Clermont county, Ohio, be and it is hereby authorized to issue and sell the bonds of said district in an amount not to exceed one thousand dollars ($1,000) for the purpose of purchasing the portion of the school building in said village now owned by the village of Williamsburg in said county, and making necessary repairs thereon.

SECTION 2. Said bonds shall be issued in denominations of not more than two hundred dollars ($200) each, and shall run not to exceed five years from date of issue. Said bonds shall be signed by the president and clerk of said board and shall bear interest at a rate not exceeding six per cent. per annum, payable annually, and shall not be sold for less than their face value.

SECTION 3. For the purpose of meeting the principal and interest of said bonds said board of education shall levy annually such amount as may be necessary, not to exceed two mills on the dollar for each year, in addition to the levy now authorized by law.

SECTION 4. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 301L

[Senate Bill No. 880.]

AN ACT

To authorize the auditor of Medina county, Ohio, to issue certain warrants.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of Medina county, Ohio, is hereby authorized to issue his warrants on the county treasury in favor of the Medina County National bank, for the sum of twenty-five hundred dollars; in favor of the old Phoenix National bank for the sum of twenty-five hundred dollars; and in favor of the Canton bridge company for the sum of thirty-eight hundred and fifty-nine dollars and eighty cents, together with the interest that may be due on said amounts, out of any money that shall come into the county treasury to the credit of the bridge fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 302L

[Senate Bill No. 569.]

AN ACT

To authorize councils of certain cities to issue bonds for water-works purposes.

[SPRINGFIELD.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of any city of the second class, third grade *a*, wherein water-works have been, or may hereafter be constructed, be, and is hereby authorized and empowered, upon application of the trustees of water-works of such city, to issue, from time to time, bonds of such city, designated "water-work bonds," not exceeding in the aggregate twenty thousand dollars, for the purpose of procuring, by the acquisition of real estate, easements or water rights through the purchase or appropriation, a sufficient supply of water for such city and for the purpose of making other improvements to the water-works service of any such city.

SECTION 2. Such bonds shall be in such demnominations, run for such length of time, not exceeding thirty years, and bear such rate of interest, not exceeding five per centum per annum, payable semi-annually, as such council may by ordinance determine. They shall be signed by the mayor and the city clerk of such city, and be sealed with the seal of the corporation, and shall be advertised and sold in the manner provided by law for the sale of municipal bonds, and the proceeds of the sale thereof shall be applied exclusively to the purpose for which such bonds are issued.

SECTION 3. For the purpose of paying the principal and interest of any bonds issued under authority of this act, as they mature, the

council of any such city is hereby authorized and empowered, from time to time, to levy upon all the taxable property of such city, and collect a tax sufficient to pay such principal and interest.

SECTION 4. The provisions of section 2702, Revised Statutes, shall not apply to any proceedings of the council of such city in procuring anything for the payment of which the money arising from the sale of such bonds may be used.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 303L

[Senate Bill No. 116.]

AN ACT

To create a fund for park purposes in cities of the third grade of the first class.

[TOLEDO.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That to provide a fund for park purposes and the improvement of parks belonging to any city of the third grade of the first class, the common council of such city shall have and is hereby given authority to borrow in behalf of any such city, an amount not to exceed one hundred thousand dollars ($100,000) and to issue bonds therefor in the name of the city. Said bonds shall be designated "park improvement bonds" of such city, shall be signed by the mayor and the city clerk thereof, and shall bear interest not to exceed three and one-half (3½) per cent. per annum, payable annually, or semi-annually. Said bonds shall be made payable at such time or times as said council may determine, but not in less than ten years nor more than thirty years. Said bonds shall be sold by the common council at not less than par and the accrued interest, and the proceeds therefrom, shall be used for no other purpose than for park purposes.

SECTION 2. The fund realized from the sale of said bonds shall be deposited in the city treasury of such city, and not more than four-fifths thereof shall be drawn and disbursed by the treasurer upon warrants of the city auditor, which shall be drawn in accordance with the order of the commissioners elected and appointed as provided for in section 2515-33*b* of the Revised Statutes of Ohio. Said commissioners shall have full charge of the expenditure of said four-fifths of the proceeds of said bonds and shall have full power and authority to make such improvements therewith, upon any or all of the parks of such city on any one side of any river passing through any such city whereon harber lines are established according to law, and the remaining one-fifth of such fund shall be expended for park purposes in such city upon the other side of said river by the board of park commissioners thereof.

SECTION 3. For the purpose of paying the interest and principal of the bonds specified in the preceding sections as the same shall become due, the common council of any such city shall levy annually upon all of the taxable property, real and personal, in the city, a sum sufficient to pay the same in addition to all the other taxes authorized by law, and the term of office of the members of said commission heretofore or hereafter appointed or elected shall expire December 31, 1902, but no salary shall be paid any commissioner for services rendered after April 1, 1901.

SECTION 4. All acts and parts of acts inconsistent with the provisions of this act are void as to proceedings thereunder; and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Passed April 16, 1900. 304L

[Senate Bill No. 234.]

AN ACT

Authorizing certain cities of the first class to levy a tax for the maintenance of free public libraries and reading rooms, and to repeal an act passed April 14, 1886 (83 O. L., p. 79).

[CANTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any city of the first class and fourth grade having by the last federal census a population of not less than 26,000, and not more than 27,000, and in which city there is established and maintained by a public library association, not organized for profit, a public library free to all the inhabitants of such city, and containing not less than 5,000 volumes, the city council shall levy an annual tax not less than two tenths of a mill and not more than five-tenths of a mill on the taxable property of such city, for that purpose, to be called the public library fund, which shall be certified to the county auditor of the county, and placed on the tax duplicate of the county and collected as other taxes.

SECTION 2. Said tax when so levied and collected, shall be paid over by the treasurer of such city to the treasurer of said association, to be used to pay for the services of librarian and other necessary expenses of keeping up said library and reading room in connection therewith, not including the purchase of books or any property which shall belong to said association, but a portion of said fund may be used for current subscriptions to magazines, periodicals and newspapers for said reading room.

SECTION 3. Said city council shall require such association to render an account of any and all taxes so received, and power to levy a tax under this act shall exist only so long as such association shall

keep up and maintain, in a public place in such city, a free public library for the inhabitants thereof.

SECTION 4. The act passed April 14, 1886 (83 O. L., p. 79) is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 305L

[House Bill No. 909.]

AN ACT

To authorize and empower the board of trustees of Granville female college to sell, convey and dispose of the property known as that of Granville female college.

WHEREAS, About the year A. D. 1827 an act was passed by the general assembly of the state of Ohio, appointing Rev. Jacob Little, Samuel Bancroft, Spencer Wright, Leonard Bushnell, Knowles Linnell, Henry L. Bancroft, Ebenezer Crawford, Edwin C. Wright and their successors, a board of trustees, to establish and maintain a school for educational purposes in Granville, Licking county, Ohio, to be under the control of the Presbyterian church of said village and known as Granville academy.

WHEREAS, In accordance with the authority vested in them, they purchased from Grove Case (deceased) and his heirs-at-law lots No. 2, 3, 4, 9, 10, 11, in block No. 12, in town of Granville, county of Licking, and state of Ohio, for the sum of $1,200, deed dating Dec. 31, 1836, and built thereon a substantial structure. Said property being paid for by the members of the Presbyterian church of Granville, but [by] subsequent legislation the name of this institution has been changed to Granville female college.

WHEREAS, The said Granville female college being in debt and without endowment, and the competition being so great, the board of trustees finding themselves unable to maintain the school.

WHEREAS, At a meeting held March 24, 1900, the trustees, by resolution, requested their president and secretary to secure the passage of an act by the general assembly of the state of Ohio, authorizing and empowering them to dispose of the above described property as in their judgment they deem best for all parties concerned.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the trustees of the Granville female college, Granville, Licking county, Ohio, be authorized and empowered to sell, convey and dispose of all [property or] properties, both real and personal, held under their jurisdiction; and after all debts have been liquidated,

including any annuity certificates now in force, the balance of the proceeds of said sale shall be turned over to the trustees of the Presbyterian church of Granville, Ohio, for the use and benefit of said Presbyterian church of Granville, as said church shall direct.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 306L

[Senate Bill No. 265.]

AN ACT

To repeal an act entitled "An act to amend section 2 of an act entitled 'An act to authorize certain cities to make improvements and to issue bonds for the payment of the same in anticipation of the collection of the assessments,'" and to repeal "An act to authorize certain cities to make improvements and to issue bonds in anticipation of the assessment," passed April 18th, 1893, passed March 29th, 1894, passed April 27th, 1896 (92 O. L., page 757), and to repeal sections one and two of an act entitled "An act to authorize certain cities to make improvements and to issue bonds for the payment of the same in anticipation of the collection of the assessments," and to repeal "An act to authorize certain cities to make improvements and to issue bonds for the payment of the same, in anticipation of the assessments," passed April 18th, 1893, passed March 29th, 1894 (91 O. L., page 579), and to amend section 29 of "An act supplementary to title XII of the Revised Statutes of Ohio" passed March 25th, 1898 (93 O. L., page 496).

[HAMILTON.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act to repeal "An act to amend section 2 of an act entitled 'An act to authorize certain cities to make improvements and to issue bonds for the payment of the same in anticipation of the collection of the assessments,'" and to repeal "An act to authorize certain cities to make improvements and to issue bonds in anticipation of the assessments" passed April 18, 1893, and passed March 29, 1894, and passed April 27, 1896 (92 O. L., page 757), and that sections one and two of "An act to authorize certain cities to make improvements and to issue bonds for the payment of the same in anticipation of the collection of the assessment," and to repeal "An act to authorize certain cities to make improvements to issue bonds for the payment of the same in anticipation of the assessments" passed April 18, 1893, passed March 29, 1894 (91 O. L., page 579), be, and the same are hereby repealed, and that section 29 of "An act supplementary to title XII of the Revised Statutes of Ohio," passed March 25, 1898 (93 O. L., page 496), be amended so as to read as follows:

Sec. 29. All advertising required by law or ordinance on behalf of said city shall be printed in two daily newspapers of opposite politics published in the English language, and of general circulation in said city, and shall strictly conform to section 4369 of the Revised Statutes of Ohio.

SECTION 2. That said original section 29 of "An act supplementary to title XII of the Revised Statutes of Ohio," passed March 25, 1898 (93 O. L., page 496), be, and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 307L

[House Bill No. 943.]

AN ACT

To authorize the city of Circleville, Ohio, to exchange bonds to be issued by it under section 2701 of the Revised Statutes of Ohio, for unmatured bonds of said corporation and to dispense with the advertising and sale thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the council of the city of Circleville, Ohio, be, and it is hereby authorized and empowered to exchange bonds to be issued by it under and in conformity with, and for the purposes named in section 2701 of the Revised Statutes of Ohio, for any outstanding, unmatured bonds of said corporation heretofore legally authorized and issued by it, by and with the consent of the present owners thereof, upon such terms as will bring said exchange and transfer within the limits of the purposes and provisions of said section 2701, and that in order to effect said change and refunding of said unmatured bonds, it shall not be necessary to advertise or sell the bonds issued by said city under and by virtue of the provisions of said section 2701.

SECTION 2. This act shall take effect and be in force from and after its passage.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 16, 1900. 308L.

JOINT RESOLUTIONS.

[Senate Joint Resolution No. 1.]

JOINT RESOLUTION

Pertaining to joint rules of the 74th general assembly.

Be it resolved by the General Assembly of the State of Ohio, That a joint committee of three on the part of the senate, and five on the part of the house, be appointed to propose and report joint rules for the two houses.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted January 31, 1900. 1

[Senate Joint Resolution No. 2.]

JOINT RESOLUTION

Pertaining to the inauguration of the governor-elect.

Be it resolved by the General Assembly of the State of Ohio, That a committee of five on the part of the senate, and seven on the part of the house, be appointed to make necessary and proper arrangements for the inauguration of the governor-elect on Monday, January 8, 1900.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted January 31, 1900. 2

[Senate Joint Resolution No. 3.]

JOINT RESOLUTION

Pertaining to a committee to wait upon the governor.

Be it resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the senate, and five on the part of the house, be appointed to wait upon the governor and inform him that the general assembly is now in session and ready to receive any communication which he may see fit to transmit.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted January 31, 1900. 3

[Senate Joint Resolution No. 4.]

JOINT RESOLUTION

Pertaining to a joint session of the general assembly to canvass the vote of the last state election.

Be it resolved by the General Assembly of the State of Ohio, That the two houses of the general assembly meet in joint convention in accordance with the provisions of the constitution and the statutes on Wednesday, January 3, 1900, at 11 o'clock a. m., in the hall of the house of representatives to witness the opening, publishing and declaring the result of the returns of the votes cast for governor, lieutenant-governor, treasurer of state and attorney-general at the election held on the first Tuesday after the first Monday in November, 1899.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted January 31, 1900. 4

[Senate Joint Resolution No. 6.]

JOINT RESOLUTION

Relative to the adjournment of the 74th general assembly.

Be it resolved by the General Assembly of the State of Ohio, That when the general assembly adjourns on Thursday, January 11, 1900, it be to meet on Monday, January 15, 1900, at 4:30 p. m.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted January 31, 1900. 5

[Senate Joint Resolution No. 7.]

JOINT RESOLUTION

Relative to the printing of extra copies of senate bill No. 36.

Be it resolved by the General Assembly of the State of Ohio, That 1,000 extra copies of senate bill No. 36 be printed for use of members.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted January 31, 1900. 6

[Senate Joint Resolution No. 10.]

JOINT RESOLUTION

Relative to the printing of extra copies of senate bill No. 44.

Resolved by the General Assembly of the State of Ohio, That one thousand extra copies of senate bill No. 44 be printed for distribution among the members of the General Assembly.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted January 31, 1900. 7

[Senate Joint Resolution No. 12.]

JOINT RESOLUTION

Relative to the printing of bills passed under the suspension of rules.

Be it resolved by the General Assembly of the State of Ohio, That the clerks of the senate and house of representatives are hereby directed to have printed with other bills, the usual number of copies of all bills whose printing may have been omitted under suspension of the rules, and that the same be inserted in the bill books in their proper places as a matter of convenient record.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted January 25, 1900. 8

[Senate Joint Resolution No. 13.]

JOINT RESOLUTION

Relative to the printing of extra copies of certain bills.

Be it resolved by the General Assembly, That 200 extra copies each of senate bills Nos. 49, 51, and 68 be printed for use of members.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 1, 1900. 9

[House Joint Resolution No. 20.]

JOINT RESOLUTION

Relative to the admission of one George Whitehead to Massillon hospital for the insane.

WHEREAS, One George Whitehead, a non-resident of the state of Ohio, has become insane and his insanity has assumed a form that renders it unsafe for him to be at large; and

WHEREAS, The said George Whitehead was born and reared at Massillon, Stark county, in this state, and his relatives and friends now reside there; and

WHEREAS, It is necessary in order to effect a speedy cure, that he should be where he can be visited by his friends, that he should be near their home; and

WHEREAS, The said George Whitehead has been temporarily received into the Massillon hospital for the insane; therefore

Be it resolved by the General Assembly of the State of Ohio, That the superintendent of the Massillon hospital for the insane be, and is hereby authorized and required to admit said George Whitehead, and retain him in said hospital as an inmate of the same, as provided for other inmates.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 1, 1900. 10

[House Joint Resolution No. 1.]

JOINT RESOLUTION

Relative to the adjournment of the general assembly.

Be it resolved by the General Assembly of the State of Ohio, That when the General Assembly adjourns on Wednesday, January 3, it be to meet on Monday, January 8, 1900, at 9 o'clock a. m.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL.
President of the Senate.

Adopted February 13, 1900. 11

[House Joint Resolution No. 2.]

JOINT RESOLUTION

Relative to the form of printing bills.

Resolved, That in the printing of bills, the requirements of the constitution, article II, section 18, be hereafter observed; and so that the

words: "Be it enacted by the General Assembly of the State of Ohio" shall immediately precede, and not be a part of section 1, of any bill.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 13, 1900. 12

[House Joint Resolution No. 8.]

JOINT RESOLUTION

Relative to printing copies of roster containing a list of committees, and names of members and officers.

Be it resolved by the General Assembly of the State of Ohio, That there be printed for the use of the members of the General Assembly, four thousand (4,000) copies of roster containing list of committees, and names of members and officers.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 13, 1900. 13

[House Joint Resolution No. 16.]

JOINT RESOLUTION

Relative to printing additional copies of house bill No. 221.

Be it resolved by the General Assembly of the State of Ohio, That the clerk of the house be authorized and instructed to have printed 1,500 additional copies of house bill No. 221, by Mr. Love, for the use of the members of the general assembly.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 13, 1900. 14

[House Joint Resolution No. 19.]

JOINT RESOLUTION

Relative to printing extra copies of house bill No. 222.

Be it resolved by the General Assembly of the State of Ohio, That there be printed 300 extra copies of house bill No. 222.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate

Adopted February 13, 1900. 15

[House Joint Resolution No. 17.]

JOINT RESOLUTION

Relative to printing additional copies of house bill No. 211.

Be it resolved by the General Assembly of the State of Ohio, That there be printed five hundred (500) additional copies of house bill No. 211, for the use of the members of the house and senate.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 13, 1900. 16

[House Joint Resolution No. 15.]

JOINT RESOLUTION

Relative to printing additional copies of house bill No. 163.

Resolved by the General Assembly of the State of Ohio, That there be printed, for distribution, five hundred copies of house bill No. 163, for the use of the members of the general assembly.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate

Adopted February 13, 1900. 17

[House Joint Resolution No. 12.]

JOINT RESOLUTION

Relating to the printing of house bill No. 87.

Resolved, That 500 copies of house bill No. 87 be printed for distribution among the members of the general assembly.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 18, 1900. 18

[House Joint Resolution No. 10.]

JOINT RESOLUTION

Relative to printing extra copies of house bill No. 142.

Be it resolved by the General Assembly of the State of Ohio, That fifteen hundred (1,500) extra copies of house bill No. 142 be printed for the use of the members of the general assembly.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 13, 1900. 19

[House Joint Resolution No. 9.]

JOINT RESOLUTION

Relative to printing house bill No. 80.

Resolved, That one thousand copies of house bill No. 80 be printed for distribution among the members of the general assembly.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 13, 1900. 20

[House Joint Resolution No. 5.]

JOINT RESOLUTION

Relative to distributing "Howe's historical collections" among the members of the general assembly.

Be it resolved by the General Assembly of the State of Ohio, That the secretary of state be authoried to distribute, pro rata, among the members of the general assembly the "Howe historical collections of Ohio," now in the custody of the secretary of state.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 13, 1900. 21

[House Joint Resolution No. 4.]

JOINT RESOLUTION

Relative to printing additional copies of house bill No. 26.

Resolved by the General Assembly of the State of Ohio, That there be printed for the use of the members of the general assembly, 500 additional copies of house bill No. 26.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 13, 1900. 22

[House Joint Resolution No. 3.]

JOINT RESOLUTION

To authorize the printing of five hundred (500) additional copies of house bill No. 5.

Resolved by the General Assembly of the State of Ohio, That there be printed for the use of the members thereof, five hundred (500) additional copies of house bill No. 5.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 13, 1900. 23

[Senate Joint Resolution No. 17.]

JOINT RESOLUTION

Concerning a certain adjournment of the general assembly.

Be it resolved by the General Assembly of the State of Ohio, That when the general assembly adjourns on Friday, February 9, it be to meet on Tuesday, February 13, 1900, at 4:30 o'clock p. m.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 20, 1900. 24

[Senate Joint Resolution No. 16.]

JOINT RESOLUTION

Relative to paying respects to the remains of the late General Henry W. Lawton.

WHEREAS, The train bearing the body of General Henry W. Lawton to its last resting place in the national cemetery at Washington will arrive at the railway station in Columbus at 12:50 p. m. to-day; therefore,

Be it resolved by the General Assembly of the State of Ohio, That a recess be taken at 12 m. and that both the house and the senate as-

semble immediately thereafter in the rotunda of the capitol and be ready at 12:15 p. m. to join the governor and other state officers for the purpose of repairing to the station and paying our respects to the remains of this brave and distinguished son of Ohio, who met his death in the discharge of his duties.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 20, 1900. 25

[Senate Joint Resolution No. 5.]

JOINT RESOLUTION

Providing for the publication of Howe's historical collections of Ohio.

WHEREAS, The state of Ohio owns the copyright, electrotype plates, engravings and all other apparatus and matter necessary and requisite for the publication of Howe's historical collections of Ohio, centennial edition; and by exhaustive research, study and investigation, much valuable information has been gathered and preserved thereby, of great value to the people of Ohio, and the same should be disseminated in a proper manner among the public schools, public libraries and citizens thereof; therefore

Be it resolved by the General Assembly of the State of Ohio, That the commissioners of public printing be and they are hereby directed and authorized to contract for and on behalf of the state, for the printing from said plates and engravings, etc., of (12,000) twelve thousand sets and binding thereof, in style and manner similar to and fully equal in quality as to binding, paper and workmanship to that furnished under house joint resolution No. 15, passed February 13, 1896 (92 O. L., 773), in sets of two volumes each, at a cost not to exceed one dollar and fifty cents per set; that said printing and delivery shall be done under the direction of the commissioners of public printing.

Resolved, That when said history is printed and bound, as aforesaid, the same shall be delivered to the secretary of state, and the following disposition and distribution made thereof: To the state library for exchange, (50) fifty sets; to the archaeological and historical society of Ohio, fifty sets for exchange; to each member of the 74th general assembly (75) seventy-five sets; and to the lieutenant-governor (50) fifty sets; to each officer and clerk of the said general assembly, and to each legislative correspondent, (1) one set; and the remaining to be sold by the secretary of state at two dollars ($2) per set, and the proceeds thereof paid into the state treasury to the credit of the general revenue fund.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 20, 1900. 26

[House Joint Resolution No. 23.]

JOINT RESOLUTION

Relative to printing extra copies of house bill No. 385.

Be it resolved by the General Assembly of the State of Ohio, That 2,000 extra copies of house bill No. 385 be and the same are hereby authorized to be printed.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 27, 1900. 27

[House Joint Resolution No. 21.]

JOINT RESOLUTION

Relative to printing extra copies of house bill No. 343.

Resolved by the General Assembly of the State of Ohio, That 500 extra copies of house bill No. 343, by Mr. Griffin, be and the same is hereby ordered to be printed for the use of the members.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted February 27, 1900. 28

[House Joint Resolution No. 22.]

JOINT RESOLUTION

Relative to memorializing congress to prevent the desecration of the United States flag.

WHEREAS, The starry emblem of our country is the pride of every loyal heart, and any slight, disrespect or desecration of our national banner stirs the blood of the American citizen; and

WHEREAS, We are painfully conscious that our flag is being used for selfish ends as a means of catching the eye and advertising various kinds of goods and for purposes repugnant to the patriotic sense of loyal citizenship, and believing as we do that our flag should be kissed by nothing less pure than the native air in which we pray it may ever float; therefore

Be it resolved by the General Assembly of the State of Ohio, That the congress of the United States be and is hereby memorialized to enact a law to prevent the use of our flag for advertising private enterprises or to further the selfish interests of any person or corporation as against the interests of the whole people;

Be it resolved, further, that the governor be and he is hereby requested to forward copies of this resolution to both branches of congress.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted March 16, 1900. 29

[House Joint Resolution No. 28.]

JOINT RESOLUTION

Relative to granting certain privileges to the Columbus, London and Springfield, and other street railway and interurban railway companies.

WHEREAS, The state of Ohio is the owner of 660 feet of land abutting on Third street, known as the state house grounds, and of 50 feet of land abutting on Rich street in the city of Columbus, Ohio; and

WHEREAS, The Columbus, London and Springfield railway company is desirous of constructing a loop on said streets for the use and accommodation of itself and other interurban railway companies; therefore

Be it resolved by the Senate and House of Representatives of the General Assembly of the State of Ohio, That the consent of the state of Ohio in its own behalf be, and it is hereby given to the Columbus, London and Springfield railway company, its successors and assigns, or any other street railway or interurban railway obtaining the consent of the said council or complying with ordinance hereinafter mentioned, to construct, operate and maintain a street railway along and upon Third street, and along and upon Rich street in said city of Columbus, in front of the premises described in the preamble hereto, in compliance with the terms and conditions of the ordinance, or ordinances, of the city of Columbus under which said railway shall occupy said streets.

Resolved, further, that the governor be and he hereby is authorized and instructed to execute such paper writing as may be necessary to carry into effect the purpose of, and grant under this resolution.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted March 16, 1900. 30

[Senate Joint Resolution No. 21.]

JOINT RESOLUTION

Concerning the appointment of commissioners to the Paris exposition.

Be it resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized to appoint three persons,

residents of the state of Ohio, to represent this state at the Paris exposition, this year of our Lord nineteen hundred, provided, however, that said commissioners shall receive no compensation for their services, and no money for expenses, and shall not involve the state in any expense of any kind or incur any liability whatsoever on the part of the state.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted March 22, 1900. 31

[Senate Joint Resolution No. 19.]

JOINT RESOLUTION

Concerning a certain adjournment of the General Assembly.

Whereas, Thursday, February 22, 1900, is the 168th anniversary of the birth of the first president of the United States, and a legal holiday; therefore

Be it resolved by the General Assembly of the State of Ohio, That when adjournment is had of said body on Wednesday, February 21, 1900, that it be until Monday, February 25, 1900, at 4:30 p. m., in memory of the immortal name and memory of the illustrious father of our county, George Washington.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted March 22, 1900. 32

[Senate Joint Resolution No. 14.]

JOINT RESOLUTION

Relative to the printing of extra copies of senate bill No. 89, and the explanatory supplement thereto.

Resolved by the General Assembly of the State of Ohio, That the clerk of the senate is hereby authorized to have printed 2,000 extra copies of senate bill No. 89 for the use of members. And that the clerk is further authorized to have printed 2,000 copies of the explanatory supplement thereto, as reported by the municipal code commission for similar use.

J. B. SNYDER,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted March 22, 1900. 33

[Senate Joint Resolution No. 22.]

JOINT RESOLUTION

Concerning the admission of Cornelio Varga to the Ohio soldiers' and sailors' orphans' home.

Be it resolved by the General Assembly of the State of Ohio, That the trustees of the Ohio soldiers' and sailors' orphans' home be, and they are hereby authorized to admit to the home Corneio Varga, a Porto Rican boy of the age of 13 years, who rendered valuable service to the Fourth regiment, Ohio volunteer infantry, as an interpreter, in the Spanish-American war, and to provide for him until he reaches the age of 18 years.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted March 29, 1900. 34

[House Joint Resolution No. 40.]

JOINT RESOLUTION

Authorizing the adjutant-general to loan a certain flag therein specified.

Be it resolved by the General Assembly of the State of Ohio, That the adjutant-general be and is hereby authorized to loan to the Grant monument association, for deposit at the tomb of General Ulysses S. Grant, Riverside Road, New York City, the flag carried during the war of the rebellion by the 72nd regiment, O. V. I., on condition that the same shall be returned to the state of Ohio whenever demand therefor shall be made by the adjutant-general.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 3, 1900. 35

[Senate Joint Resolution No. 23.]

JOINT RESOLUTION

Concerning the return by the secretary of state of house bill No. 191.

Be it resolved by the Senate and House of Representatives of the General Assembly, That the secrtary of state is hereby requested to return to the senate, house bill No. 191, by Mr. McCurdy, entitled "An act relating to the duties and compensation of certain officers of Miami county, Ohio, for the purpose of correcting clerical error appearing on the enrolled copy of said bill heretofore furnished the secretary of state.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 3, 1900. 36

[House Joint Resolution No. 11.]

JOINT RESOLUTION

Relative to returning certain flags to the 30th Louisiana confederate infantry.

WHEREAS, A memorial has been presented to the senate and house of representatives by the survivors of the 46th Ohio veteran volunteer infantry, asking for power to return the flag and banner of the 30th Louisiana confederate regiment; and

WHEREAS, This nation now recognizes no north, no south, no east, no west, but fraternity and good will everywhere; therefore

Be it resolved, That the governor of Ohio is hereby authorized and empowered to withdraw from the relic room of the capitol building, and deliver to the survivors of the 46th Ohio volunteer infantry the flag and banner of the 30th Louisiana confederate infantry, in accordance with petition and memorial.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 12, 1900. 37

[House Joint Resolution No. 34.]

JOINT RESOLUTION

Relative to publishing an account of the condition and work of the public libraries of Ohio.

WHEREAS, No detailed account of the condition and work of the public libraries of Ohio has ever been published; and

WHEREAS, The publication of such information would encourage library extension in Ohio as it has done in other states; therefore

Be it resolved by the General Assembly of the State of Ohio, That the board of library commissioners is hereby authorized to prepare and have printed, in addition to their regular report for the year 1900, sketches of the public libraries of the state with such other information relating thereto as can be obtained, and that not exceeding one thousand five hundred copies of the same be printed for distribution by said board of library commissioners.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 12, 1900. 38

[House Joint Resolution No. 37.]

JOINT RESOLUTION

To appoint a special commissioner under section 50, Revised Statutes.

Be it resolved by the General Assembly of the State of Ohio, That the governor be and is hereby authorized to appoint one person, resident

of the state of Ohio, to represent the department of workshops and factories of this state, at the Paris exposition, the year of our Lord nineteen hundred; provided, that said representative shall receive no compensation for his services and no money for expenses and shall not involve the state in any expense of any kind, or incur any liability whatsoever on the part of the state.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 12, 1900. 39

[House Joint Resolution No. 26.]

JOINT RESOLUTION

Memorializing congress to pass Graham's per diem pension bill.

Be it resolved by the General Assembly of the State of Ohio, That the congress of the United States be and are hereby memorialized to pass Graham's per diem pension bill.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 12, 1900. 40

[House Joint Resolution No. 41.]

JOINT RESOLUTION

Concerning the printing and distribution of copies of the supreme court law library catalogue.

Be it resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and he is hereby directed and authorized to have printed and bound, under the direction of the law librarian, one thousand copies of the supreme court law library catalogue. As soon as ready for delivery the law librarian will deliver five copies to each member of the 74th general assembly and one hundred copies to the Ohio state university for the use of the law school. The remainder to be distributed under the direction of the law librarian.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Passed April 14, 1900 41

[Senate Joint Resolution No. 38.]

JOINT RESOLUTION

Relative to the appointment of a committee to inquire into and investigate and report upon certain money unlawfully collected by the fish and game commission of Ohio, and damage done to fish nets by wardens.

WHEREAS, The general assembly of the state of Ohio passed an act, April 26, 1898, which compelled fishermen to procure a license for authority to fish with nets in Lake Erie and its bays, and provided for the summary destruction of the nets if such license was not procured; and

WHEREAS, By the passage of said act the greater number of fishermen were required to pay the said fish and game commission money for such license before they could fish with nets, and said fishermen did pay said money under protest to prevent prosecution and destruction of their property, and such money was to be held by such fish and game commission until the constitutionality of such act could be passed upon by the courts; and

WHEREAS, Said act has been declared unconstitutional by the courts of Ohio, and said money is now in the treasury of the state of Ohio, and said fishermen feel that the state should protect them in such matter; therefore

Be it resolved by the General Assembly of the State of Ohio, That a joint committee consisting of two members on part of the senate and three on the part of the house be appointed by the speaker of the house for the purpose of investigating and inquiring into the matter and report how much money has been so unlawfully collected from fishermen and how much damage has been done to fishermen by reason of the unlawful destruction of their property and report their findings to the general assembly.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 16, 1900. 42

[Senate Joint Resolution No. 18.]

JOINT RESOLUTION

Ordering the printing of the manual of legislative practice of the 74th general assembly.

Be it resolved by the General Assembly of the State of Ohio, That under the direction of the committee on rules of the two houses acting as a joint committee on rules, the clerk of the senate and the clerk of the house of representatives are hereby directed to arrange the copy for and have printed, upon number one book paper, of suitable weight, and bound, eighteen hundred copies of the manual of legislative practice of

the 74th general assembly of Ohio 1900-1901; four hundred copies of said manual to be for the use of the senate and eleven hundred copies to be for the use of the house of represenatives. Said printng to be paid for out of the appropriation for state printing.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 16, 1900. 43

[Senate Joint Resolution No. 25.]

JOINT RESOLUTION

Relative to the printing of the annual report of the bureau of building and loan associations.

WHEREAS, No provision has been made by law for printing the annual report of the bureau of building and loan associations; therefore

Be it resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and he is hereby directed and authorized to contract with the contractors for state printing, for and on behalf of the state, for the printng of twelve hundred copies of advance sheets and binding thereof in brochure covers, and 1,200 copies of full report and binding thereof in style and manner similar to that provided for other reports in section 54 of the Revised Statutes; that said printing and binding shall be done under the direction of the supervisor of public printing.

Resolved, That when said advance sheets are printed and bound, as aforesaid, the same shall be delivered to the inspector of building and loan associations, and the following disposition and distribution made thereof: One copy to each of the building and loan associations of the state and to each member of the 74th general assembly, and the remainder to be distributed at the discretion of the inspector of building and loan associations.

Resolved, That when said reports are printed and bound, as aforesaid, the same shall be delivered to the inspector of building and loan associations, and the following disposition and distribution made thereof: One copy to each of the building and loan associations of the state, and the remainder to be distributed at the discretion of the inspector of building and loan associations.

A. G. REYNOLDS,
Speaker of the House of Representatives.
O. SHEPPARD,
President pro tem. of the Senate.

Adopted April 16, 1900. 44

[Senate Joint Resolution No. 31.]

JOINT RESOLUTION

Relative to rescinding regular Friday adjournment of the general assembly.

Be it resolved by the General Assembly of the State of Ohio, That senate resolution No. 10, adopted January 1, 1900, providing that the two houses thereof shall adjourn at eleven o'clock a. m. on Friday of each week, until 4:30 o'clock on the following Monday, be and the same is hereby rescinded.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 16, 1900. 45

[House Joint Resolution No. 46.]

JOINT RESOLUTION

Concerning the report of the committee on joint rules.

Be it resolved by the General Assembly of the State of Ohio, That the committee on joint rules to whom was referred the matter of rules for the government of the two houses under senate joint resolution No. 1, submit the following recommendations:

That the revision and codification of the rules of the general assembly, prepared under the direction of this committee, be accepted as the rules of this general assembly, and published in the forthcoming manual of legislative practice, and printed in the appendix to the journal for the information of the succeeding general assembly.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 16, 1900. 46

[Senate Joint Resolution No. 15.]

JOINT RESOLUTION

Concerning the improvement of the Miami and Erie canal.

WHEREAS, The commercial interests of western Ohio as well as all the territory tributary to the great lakes, and the Ohio and Mississippi rivers, imperatively demands the immediate improvement and enlargement of the Miami and Erie canal from Toledo to Cincinnati as a ship canal, to supply the only missing link in the great highway of trade between our inland seas and the gulf; and

WHEREAS, The commercial interests of eastern Ohio, as well as all the territory tributary to the great lakes and the Ohio and Mississippi rivers, imperatively demand the immediate improvement and enlarge-

ment of the Ohio and Erie canal from Cleveland to Coshocton as a ship canal to connect with the Muskingum river and thus supply the only missing link between the lakes and the gulf; therefore

Be it resolved by the General Assembly of the State of Ohio, That the congress of the United States be, and hereby is memorialized to take such action in the premises as the importance of the enterprise demands looking to the early construction of these great thoroughfares for the productions of the richest and most prosperous section of our country, or such route across the state of Ohio as may be deemed more feasible if such there be.

Be it further resolved, That the governor is hereby requested to forthwith forward to both branches of congress, and to each senator and member of congress from Ohio, certified copies of this resolution.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 16, 1900. 47

[Senate Joint Resolution No. 27.]

JOINT RESOLUTION

Concerning the appointment of two representatives to the Paris exposition.

Be it resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized to appoint in addition to the three persons authorized by senate joint resolution No. 21, two ladies, residents of the state of Ohio, to represent this state at the Paris exposition to be held in that city in the year of 1900. Said representatives to receive from the state no compensation nor any allowance whatever for expenses of any kind, nor shall they involve the state in any expense.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 16, 1900. 48

[Senate Joint Resolution No. 24.]

JOINT RESOLUTION

Concerning a certain adjournment of the 74th general assembly.

Whereas, Monday, April 2nd is election day; therefore be it

Resolved, That when the general assembly adjourns on Friday, March 30th, it be until Tuesday, April 3rd, at 2:30 p. m.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 16, 1900. 49

[Senate Joint Resolution No. 29.]

JOINT RESOLUTION

Directing the secretary of state to furnish certain publications to the library of the United States circuit court of appeals for the sixth circuit.

Be it resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby directed to furnish and deliver to the library of the United States circuit court of appeals for the sixth circuit maintained at Cincinnati, Ohio, for use in such library, one copy of each of such general or local session laws, editions of the Revised Statutes, and debates in the constitutional convention, as may be duplicates on hand belonging to the state of Ohio and not required for use.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 16, 1900. 50

[House Joint Resolution No. 48.]

JOINT RESOLUTION

Relative to sine die adjournment.

Be it resolved by the General Assembly of the State of Ohio, That a joint committee of six consisting of three members of the house and three members of the senate be appointed to inform the governor that the general assembly is now about to adjourn, and awaits his pleasure.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 16, 1900. 51

[House Joint Resolution No. 47.]

JOINT RESOLUTION

To pay Mrs. Clara Clement, widow of the late Edwin A. Clement, deceased, the salary due her husband on his unexpired term.

Resolved, That the speaker be and is hereby directed to issue his warrant upon the auditor of state for the sum of six hundred dollars ($600) in favor of Mrs. Clara Clement, widow of Edwin A. Clement, late deceased member of this body, as salary for the balance of his unexpired term.

A. G. REYNOLDS,
Speaker of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 16, 1900. 52

[House Joint Resolution No. 43.]

JOINT RESOLUTION

Relative to the assignment of rooms of the state capitol buildings.

Be it resolved by the General Assembly of the State of Ohio, That the rooms in the new state capitol building and the rooms to be vacated in the present capitol be and are hereby assigned as follows:

NEW BUILDING.

FIRST FLOOR.

The large room on the west side of the north end is assigned to the state board of public works and [the] canal commission.

The small room next south is assigned as a receiving and shipping room for all departments in the building.

The room directly north of the rotunda is assigned to the state board of agriculture for storage and general purposes.

The large room on west side of south end is assigned to the state board of health.

The four rooms on the southeast corner are assigned to the superintendent of insurance and building and loan associations.

The five rooms in the northeast corner are assigned to the state board of agriculture.

SECOND FLOOR

The large room in the north end is assigned to the law library.

The two adjoining rooms on the west side and the three adjoining rooms on the east side are assigned for the use of the law librarian and for attorneys' reading rooms.

The three rooms at the southeast corner are assigned to the attorney-general.

The two remaining rooms on the east side are assigned to the state board of charities.

The four rooms at the southwest corner are assigned to the clerk of the supreme court.

The room directly south of the rotunda is assigned to the state board of medical registration and examination, and the state board of pharmacy, for the joint use of their secretaries.

THIRD FLOOR.

This entire floor is assigned to the supreme court, for court rooms, judges' rooms, consultation rooms, etc.

INTER FLOOR.

The five rooms on south side are assigned to the state board of health for the use of its chemical laboratory, bacteriological and engineers' department.

The [three] rooms on north side are assigned to the state board of arbitration.

OLD BUILDING.

The room occupied by the state board of charities is assigned to the governor's office.

The rooms vacated by the state board of agriculture are assigned to the adjutant-general.

The rooms vacated by the state board of public works are assigned to the inspector of mines and mining.

The room vacated by the adjutant-general is assigned to the secretary of state.

The room vacated by the attorney-general is assigned to the commissioner of railroads and telegraphs.

The room vacated by the canal commission is assigned to the sinking fund commission and commissioner of labor statistics.

The room vacated by the commissioner of labor statistics and the inspector of mines and mining is assigned to the state library.

The two east rooms vacated by the superintendent of insurance are assigned to the state dairy and food commissioner.

The remaining room vacated by the superintendent of insurance is assigned to the inspector of workshops and factories.

The room vacated by the dairy and food commissioner is assigned to the auditor of state.

The room vacated by the state board of health is assigned to the state board of appraisers and assessors.

The room now occupied by the supreme court as a consultation room is assigned to the house of representatives for committee rooms.

The room to be vacated by the law library is assigned to the house of representatives for committee rooms.

The room now occupied by the clerk of the supreme court is assigned for the same use.

The large room now used as the supreme court room shall be preserved as it now is for legislative hearings, and as a meeting place for state boards, and the chairman of the finance committee of the house, the chairman of the finance committee of the senate, the clerk of the house and clerk of the senate, and third assistant sergeant-at-arms of the house are hereby appointed a committee to re-arrange such rooms for the purposes of the general assembly.

The private office at the west end of the north corridor, and the private office at the east end of the south corridor to be removed and the corridors restored to their original condition.

A. G. REYNOLDS,
Speaker pro tem. of the House of Representatives.
JNO. A. CALDWELL,
President of the Senate.

Adopted April 16, 1900. 53

STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, CHARLES KINNEY, Secretary of State of the State of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the general assembly of said State, and that the same are true copies, copied from the original rolls on file in this office of the acts passed and the joint resolutions adopted by the seventy-fourth general assembly of the State of Ohio, at its regular session, begun January 1, 1900, and ended April 16, 1900, and held in the city of Columbus.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 29th day of June, A. D. 1900.

CHARLES KINNEY,
Secretary of State.

[SEAL.]

TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN OHIO IN 1900.

County.	County Seats.	Circuits.	Circuit Courts.	Districts.	Subdivisions.	Common Pleas Courts.
Adams	West Union	4	April 4, Nov. 8..	7	2	Jan. 8, April 9, Sept. 17.
Allen	Lima	3	April 3, Nov. 13.	3	1	Feb. 5, April 16, Oct. 1.
Ashland	Ashland	5	May 8, Nov. 7...	6	2	March 5, Sept. 10, Dec. 3.
Ashtabula	Jefferson	7	March 6, Oct. 12.	9	3	Jan. 8, March 19, Oct. 22.
Athens	Athens	4	Jan. 23, Sept. 25.	7	3	Feb. 5, April 30, Oct. 22.
Auglaize	Wapakoneta	3	April 17, Nov. 20	3	1	Jan. 8, April 3, Sept. 17.
Belmont	St. Clairsville	7	June 19, Dec. 18.	8	2	Jan. 16, April 24, Nov. 13.
Brown	Georgetown	4	April 11, Nov. 13	5	1	Jan. 8, April 2, Sept. 10.
Butler	Hamilton	1	April 9, Oct. 8...	2	1	Jan. 8, May 7, Sept. 24.
Carroll	Carrollton	7	Feb. 13, Sept. 20.	9	1	Feb. 19, May 14, Oct. 1.
Champaign	Urbana	2	April 18, Nov. 1.	2	2	Jan. 8, May 7, Oct. 8.
Clark	Springfield	2	May 14, Nov. 26.	2	2	Jan. 8, May 7, Oct. 8.
Clermont	Batavia	1	April 3, Oct. 1..	5	1	Jan. 23, April 24, Oct. 16.
Clinton	Wilmington	1	April 30, Oct. 29.	2	3	Jan. 8, May 7, Oct. 8.
Columbiana	Lisbon	7	Jan. 30, Sept. 24.	9	1	Feb. 12, April 30, Sept. 17.
Coshocton	Coshocton	5	May 15, Nov. 13.	6	3	Jan. 8, March 26, Sept. 10.
Crawford	Bucyrus	3	Jan. 23, Sept. 25.	10	2	Jan. 8, May 7, Oct. 15.
Cuyahoga	Cleveland	8	Jan. 8, Oct. 22...	4	3	Jan. 8, April 9, July 9, Sept. 24.
Darke	Greenville	2	April 23, Nov. 12.	2	2	Jan. 8, May 7, Oct. 8.
Defiance	Defiance	3	March 13, Oct. 23	3	2	March 5, June 4, Nov. 19.
Delaware	Delaware	5	June 12, Dec. 18.	6	1	Jan. 2, April 3, Sept. 17.
Erie	Sandusky	6	April 16, Nov. 19	4	1	Jan. 8, April 3, Sept. 17.
Fairfield	Lancaster	5	Jan. 2, Sept. 4...	7	1	Jan. 15, April 9, Oct. 15.
Fayette	Washington C.H.	2	May 7, Nov. 19..	5	2	Jan. 8, April 9, Oct. 8.
Franklin	Columbus	2	Jan. 2, Sept. 17..	5	3	Jan. 8, April 9, Sept. 10.
Fulton	Wauseon	6	May 2, Dec. 5...	3	3	Feb. 12, May 7, Oct. 15.
Gallia	Gallipolis	4	Feb. 27, Oct. 16..	7	3	Feb. 20, May 8, Oct. 23.
Geauga	Chardon	7	Feb. 27, Oct. 9..	9	3	Jan. 8, March 19, Oct. 15.
Greene	Xenia	2	March 26, Oct. 17	2	3	Jan. 8, May 7, Oct. 8.
Guernsey	Cambridge	7	June 12, Dec. 11.	8	1	Feb. 5, May 1, Oct. 15.
Hamilton	Cincinnati	1	Jan. 2, Nov. 12..	1	.....	Jan. 1, April 2, July 2, Oct. 1.
Hancock	Findlay	3	May 15, Dec. 11.	10	1	Jan. 8, April 2, Sept. 17.
Hardin	Kenton	3	Feb 13, Oct. 4..	10	1	Jan. 8, April 2, Sept. 17.
Harrison	Cadiz	7	May 15, Nov. 20.	8	3	Feb. 27, June 5, Nov. 13.
Henry	Napoleon	3	Feb. 27, Oct. 16..	3	3	Jan. 8, April 3, Sept. 17.
Highland	Hillsboro	4	April 24, Nov. 20	5	2	Jan. 8, April 9, Oct. 15.
Hocking	Logan	4	Feb. 6, Oct 2....	7	1	Jan. 8, April 9, Sept. 10.
Holmes	Millersburg	5	May 22, Nov. 20.	6	3	Feb. 7, April 23, Oct. 8.
Huron	Norwalk	6	April 3, Nov 7...	4	1	Jan. 8, April 17, Oct. 8.
Jackson	Jackson	4	May 29, Dec. 18.	7	2	Feb. 13, May 15, Oct. 30.
Jefferson	Steubenville	7	May 22, Nov. 27.	8	3	Jan. 2, March 19, Sept. 17.
Knox	Mt. Vernon	5	March 13, Oct. 9.	6	1	Feb. 5, May 7, Nov. 12.
Lake	Painesville	7	Feb. 20, Oct. 2..	9	3	Feb. 5, April 2, Nov. 5.
Lawrence	Ironton	4	March 6, Oct. 23.	7	2	Feb. 5, May 1, Oct. 9.
Licking	Newark	5	March 20, Oct 16	6	1	Jan. 2, April 9, Sept. 17.
Logan	Bellefontaine	3	Feb. 20, Oct. 9..	10	3	Feb. 5, May 7, Oct. 15.
Lorain	Elyria	8	April 23, Oct. 8..	4	2	Feb. 12, May 7, Oct. 17.
Lucas	Toledo	6	Jan. 8, Oct. 1...	4	1	Jan. 8, April 3, Sept. 17.
Madison	London	2	April 4, Oct. 15..	5	2	Feb. 26, May 28, Nov. 26.
Mahoning	Youngstown	7	April 17, Oct. 23.	9	2	Jan. 8, May 7, Sept. 17.
Marion	Marion	3	Jan. 16, Sept. 18.	10	2	Jan. 22, April 9, Sept. 24.
Medina	Medina	8	April 30, Oct. 15.	4	2	Jan. 15, April 9, Sept. 24.
Meigs	Pomeroy	4	Feb. 20, Oct. 9..	7	3	Jan. 8, April 3, Sept. 24.
Mercer	Celina	3	April 24, Nov. 22	3	1	Jan. 8, April 3, Sept. 17.
Miami	Troy	2	April 9, Oct. 22..	2	2	Jan. 8, April 16, Oct. 8.
Monroe	Woodsfield	7	June 5, Dec. 4...	7	3	Jan. 9, April 10, Sept. 25.
Montgomery	Dayton	2	May 28, Dec. 3..	2	3	Jan. 8, May 7, Oct. 8.
Morgan	McConnelsville	5	April 24, Nov. 27	8	1	Jan. 8, May 7, Oct. 1.
Morrow	Mt. Gilead	5	June 5, Dec. 11..	6	2	Jan. 22, April 23, Oct. 8.
Muskingum	Zanesville	5	April 17, Oct. 23.	8	1	Jan. 8, April 9, Oct. 1.
Noble	Caldwell	7	June 8, Dec. 7...	8	1	Jan. 15, April 10, Sept. 18.
Ottawa	Port Clinton	6	May 23, Dec. 20.	4	1	Feb. 26, June 4, Nov. 12.
Paulding	Paulding	3	March 6, Oct. 18.	3	2	Jan. 8, April 9, Sept. 10.
Perry	New Lexington	5	May 1, Oct. 30..	7	1	Feb. 12, May 14, Nov. 12.
Pickaway	Circleville	4	May 1, Nov. 27..	5	2	Jan. 8, April 9, Oct. 8.
Pike	Waverly	4	May 22, Dec. 11.	7	2	Jan. 8, April 9, Sept. 24.
Portage	Ravenna	7	March 27, Nov. 8	9	2	Jan. 8, April 2, Sept. 4.
Preble	Eaton	2	May 3, Nov. 8...	2	2	Jan. 8, May 7, Oct. 8.
Putnam	Ottawa	3	March 27, Nov. 7	3	3	March 5, May 28, Nov. 12.
Richland	Mansfield	5	Jan. 9, Sept. 11..	6	2	Jan. 29, Sept. 17, Dec. 10.
Ross	Chillicothe	4	May 8, Dec. 4...	5	2	Jan. 15, April 16, Oct. 15.
Sandusky	Fremont	6	May 7, Dec. 10..	4	1	Jan. 8, April 16, Oct. 8.
Scioto	Portsmouth	4	March 20, Oct. 30	7	2	Jan. 2, April 16, Sept. 24.

TIMES FOR HOLDING THE CIRCUIT COURTS, ETC.—Concluded.

Counties.	County Seats.	Circuits.	Circuit Courts.	Districts.	Subdivisions.	Common Pleas Courts.
Seneca	Tiffin	3	May 1, Nov. 27..	10	1	Feb. 5, April 30, Oct. 15.
Shelby	Sidney	2	April 16, Oct. 29.	3	1	Feb. 19, May 14, Oct. 29.
Stark	Canton	5	Feb. 20, Oct. 2..	9	1	Jan. 8, May 7, Sept. 17.
Summit	Akron	8	April 9, Sept. 24.	4	2	Jan. 8, April 23, Oct. 8.
Trumbull	Warren	7	April 3, Nov. 12.	9	2	Jan. 29, May 7, Oct. 8.
Tuscarawas	New Philadelphia	5	May 29, Dec. 4..	8	3	Jan. 2, April 9, Oct. 1.
Union	Marysville	3	Feb. 6, Oct. 2...	10	3	Jan. 2, April 3, Sept. 10.
Van Wert	Van Wert	3	March 20, Oct. 30	3	1	Feb. 19, May 14, Oct. 29.
Vinton	McArthur	4	Feb. 13, Oct 4...	7	3	Feb. 6, May 22, Nov. 13.
Warren	Lebanon	1	April 23, Oct. 22.	2	3	Jan. 8, May 7, Oct. 8.
Washington	Marietta	4	Jan. 16, Sept. 19.	7	3	Jan. 9, April 10, Sept. 25
Wayne	Wooster	5	Feb. 6, Sept. 25.	6	3	Jan. 15, May 7, Sept. 3.
Williams	Bryan	6	April 30, Dec. 3.	3	2	Feb. 5, May 7, Oct. 8.
Wood	Bowling Green...	6	March 12, Sept. 17	10	1	Jan. 8, April 2, Sept. 17.
Wyandot	Upper Sandusky.	3	Jan. 9, Sept. 11..	10	2	Feb. 5, April 2, Sept. 17.

THE STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, CHARLES KINNEY, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Circuit Courts and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1900, taken from the official lists returned by the judges of said courts to this office.

WITNESS my hand and official Seal, this 8th day of November, A. D. 1899.

CHARLES KINNEY,
Secretary of State.

[SEAL.]

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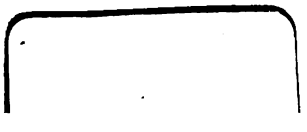
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